

Fig. 2

50-State Abstracts

No Expungement

Alaska. *Compare, Johnson v. State*, 50 P.3d 404, 406 (Alaska Ct. App. 2002) (recognizing that Alaska law makes no providing for sealing or expunging records of a valid conviction and that where there is no exception to the state’s disclosure laws that courts balance “the public interest in disclosure on the one hand, and the privacy and reputation interests of the affected individuals together with the government’s interest in confidentiality, on the other) *with* ALASKA STAT. ANN. § 22.35.030 (West 2023) (forbidding the publication of a court record after dismissal or acquittal).

Florida. Felony convictions are not eligible to be expunged pursuant to FLA STAT. ANN. § 943.0585 and § 943.0584.

Hawaii. HAW. REV. STAT. ANN. § 831-3.2 (West 2023) (expunging records of those who were arrested and charged, but not convicted of a crime).

Maine. In Maine, courts are not authorized to expunge adult criminal records.

Wisconsin. WIS. STAT. ANN. § 973.015 (West 2023) (providing that a person convicted of a crime who was under the age of twenty five at the time they committed an offense carrying a maximum period of incarceration of six years or less may have that record expunged upon successful completion of the sentence if the court determines that the person will benefit, and society will not be harmed by the disposition).

Misdemeanors

Iowa. IOWA CODE ANN. § 901C.3 (West 2023) (providing only for the expungement of a misdemeanor offense, permitting expungement of one or more misdemeanor offense if it arose from the “**same transaction or occurrence** and the application contains the misdemeanor offense to be expunged” – but not defining this phrase statutorily or in the common law).

Montana. MONT. CODE ANN. § 46-18-1104 (West 2023) (providing an individual with the opportunity to expunge one more misdemeanor offenses; but making no provision for the expungement of felony convictions).

Nebraska. NEB. REV. STAT. ANN. § 29-2264 (West 2023) (providing that person convicted of offense and is placed on probation, sentenced to fine only, or sentenced to community service may petition to set aside the conviction after satisfactory completion of probation). *See* <https://supremecourt.nebraska.gov/self-help/court-records/petition-set-aside-criminal-conviction> (providing “[a]n adult criminal conviction in Nebraska cannot be erased. It can be *pardoned* or *set-aside* but WILL NOT be erased. Once there is a criminal conviction on your record, it always will be on your record.”) (emphasis original).

Misdemeanors & Pardoned Felonies

Alabama. *See* ALA. CODE § 15-27-1(b) (West 2023) (misdemeanors, violations, and municipal ordinances). *See also* ALA. CODE § 15-27-2(c) (pardoned felonies). *And see* ALA. CODE § 15-27-2.1(b) (West 2023) (providing that one expungement “shall include **all charges** or convictions stemming from the **same arrest or incident**.”). *Ex parte Curran*, No. CR-19-1082, 2022 WL 1721488, *5 (Ala. Crim. App. May 27, 2022) (interpreting the word case in ALA. CODE § 15-27-5 to mean “**all the charges or convictions arising from the same arrest or incident, not an individual charge**.”).

Georgia. GA. CODE ANN. § 35-3-37 (West 2023) (misdemeanors or pardoned felonies);

Texas. TEX. CODE CRIM. PROC. ANN. art. 55.01 (West 2023) (providing for expungement of misdemeanors, felonies and unprosecuted felonies **arising out of the same transaction** for which the person was arrested). *Matter of O.A.T.*, 618 S.W.3d 767 (Tex. App. 2020) (noting that two events "arise out of the same transaction" when they arose out of a single event or act or closely related events or acts and that the two offenses need not be committed on the same day to be considered part of the same transaction - if they were committed pursuant to a continuing "fact pattern."

Misdemeanors & Felonies

Arizona. ARIZ. REV. STAT. ANN. § 13-911 (providing, for the sealing of records for all offenses except Class 1 felonies, without limiting the number of times a person may request sealing or limiting the number of convictions that may be sealed along with "all cases related to the offense").

Arkansas. ARK. CODE ANN. § 16-90-1405 (West) (setting forth the eligibility to file a uniform petition to seal a misdemeanor offense or violation ARK. CODE ANN. §16-90-1406 (providing for the expungement of certain felonies and noting that "[f]or the sole purpose of calculating the number of previous felony convictions under this section, all felony offenses that were committed as part of the same criminal episode and for which the person was convicted are a single conviction.").

California. CAL. PENAL CODE § 1203.4 (West)

Colorado. Colo. Rev. Stat. Ann. § 24-72-709 (West 2023) (providing for the sealing of criminal records information for multiple convictions).

Connecticut. CONN. GEN. STAT. ANN. § 54-142a (West 2023) (providing for the erasure of classified or unclassified misdemeanor offenses after seven years from the date of conviction; and for the erasure of certain felonies after ten years).

Delaware. DEL. CODE ANN. tit. 11, § 4374(a)(1), (2) (West 2023) (providing for expungement of "1 or more misdemeanors...**relating to the same case**" after the requisite time has passed without any prior convictions).

District of Columbia. D.C. Code § 16-806 (West 2023), as amended by D.C. LAW 24-284 (Jan. 19, 2023) (authorizes sealing of non-conviction records, all misdemeanor convictions, most felony convictions except those involving crimes of violence or sexual offenses).

Idaho. IDAHO CODE ANN. § 19-2604 (West).

Illinois. 20 Ill. Comp. Stat. Ann. 2630/5.2 (2023) (setting forth the requirements for the expungement of records).

Indiana. IND. CODE ANN. §§35-38-9-2 through -6. (West 2023) (setting forth the conditions and time frames within which to seek expungement and providing for expungement of offenses committed "as part of the same episode of criminal conduct.").

Kansas. KAN. STAT. ANN. § 21-6614 (West 2023) (providing for the expungement of certain convictions and the corresponding time frames).

Kentucky. KY. REV. STAT. ANN. § 431.073 (West 2023) (permitting an individual who has been convicted of a series of Class D felony violations of certain statutes **arising from a single incident**). KY. REV. STAT. ANN. § 431.078 (authorizing petition for expungement where person has been convicted of a series of misdemeanors, violations, or traffic infractions arising from a single incident; or a series of similar infractions *not* arising from a single incident).

Louisiana. LA. CODE CRIM. PROC. ANN. ART. 977 (authorizing misdemeanor expungement of certain offenses after five years if certain conditions are met). LA. CODE CRIM. PROC. ANN. ART. 978 (authorizing felony expungement of certain offenses after five years if certain conditions are met).

Maryland. MD. CODE ANN., CRIM. PROC. § 10-107 (West 2023) (**charges arising from same incident, transaction, or set of facts**). See *In re Dione W.*, 219 A.3d 63, 65 (2019) (finding that pursuant to MD. CODE ANN., CRIM. PROC. § 10-107 “if two or more charges arise from the same incident, transaction, or set of facts, they are typically considered as a unit; and the petitioner is... not entitled to expungement of any individual charge in that unit unless [they are] entitled to expungement of all of them.” See *Stoddard v. State*, 911 A.2d 1245, 1253 (2006) (rejecting the proposition that crimes committed over a period of several months, involving different venues, constituted a single “unit” where each crime constituted a separate incident, transaction, and involved a different set of facts.”). *State v. Nelson*, 847 A.2d 1184 (2004).

Massachusetts. MASS. GEN. LAWS ANN. ch. 276, § 100A (West 2023) (providing for the sealing of records and the requirements thereof).

Michigan. MICH. COMP. LAWS ANN. § 780.621b (West) (treating more than one eligible felony or misdemeanor conviction as a **single conviction if the events were “contemporaneous** such that all of the... offenses occurred within 24 hours and arose from the same transaction.”). See *People v. Maryanovska*, No. 362098, 2023 WL 4534971 (Mich. Ct. App. July 13, 2023) (finding as a matter of first impression that the “one-bad-night provision” did not apply where one of the multiple offenses precluded application of the one-bad-night provision).

Minnesota. MINN. STAT. ANN. §§ 609A.01 – 609a.06 (West 2023) (providing for the expungement of criminal records).

Mississippi. MISS. CODE. ANN. § 99-19-71 (West 22023) (defining “one (1) conviction” and “one (1) felony expunction” to “mean and **include convictions that arose from one common nucleus of operative facts as determined in the discretion of the court.**”). See *Rogers v. State*, 364 So. 3d 784 (Miss. Ct. App. 2021) (noting the necessity of an evidentiary hearing to determine whether multiple convictions arose from a common nucleus of operative facts). *State v. N.J.*, No. 2022-CA-00788-COA, 2023 WL 6986255 (Miss. Ct. App. Oct. 24, 2023) (noting that no other Mississippi case addresses whether two or more convictions arose a common nucleus of facts and finding that convictions for cocaine sales nearly three years apart in two different counties, even though consolidated and run concurrently, do not satisfy the commonality requirement necessary to receive an expungement. Noting that commonality might be a common drug-sale plan or scheme, or an ongoing series of acts, events or transactions concerning the two separate offenses).

Missouri. Mo. Ann. Stat. § 610.140(1) (West 2023) (providing that “[i]f the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed **as part of the same course of criminal conduct**, the person may include all the related offenses, violations, and infractions in the petition... and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.” See *N.M.C. v. Missouri State Highway Patrol Crim. Recs. Repository*, 661 S.W.3d 18, 25 (Mo. Ct. App. 2023) (finding separate offenses when action separated in time; offense separated in time when defendant has opportunity to reconsider their actions; and, when the offenses are based upon different acts, or a separate mental state is formed for each act).

Nevada. NEV. REV. STAT. ANN. § 179.2595 (West 2023) (setting forth the procedure for the sealing of more than one record).

New Hampshire. N.H. REV. STAT. ANN. § 651:5 (providing for the annulment of certain offenses upon the satisfaction of certain statutory conditions).

New Jersey. N.J. STAT. ANN. 2C:52-2(a) (providing for the expungement of multiple crimes that were “interdependent or closely related in circumstances and were committed as part of a **sequence of events that took place within a comparatively short period of time, regardless of the date of conviction or sentencing for each individual crime or offense....**”). *Matter of C.P.M.*, 461 N.J. Super. 573, 577 (App. Div. 2019), *cert. denied*, 241 N.J. 204 (2020).

New Mexico. N.M. STAT. ANN. § 29-3A-5 (West 2023) (providing for the expungement of criminal records);

New York. N.Y. CRIM. PROC. LAW § 160.59 (McKinney 2023) (permitting the *sealing* of records where defendant is convicted of **more than one eligible offense, committed as part of the same criminal transaction**). *See* N.Y. CRIM. PROC. LAW § 40.10 (defining “**criminal transaction**” as “conduct which establishes at least one offense, and which is comprised of two or more or a group of acts either (a) so closely related and connected in point of time and circumstance of commission as to constitute a single criminal incident, or (b) so closely related in criminal purpose or objective as to constitute elements or integral parts of a single criminal venture.”). *See also* N.Y. CRIM. PROC. LAW § 160.57 (providing that, effective Nov. 16, 2024, misdemeanor convictions may be expunged after three years if certain conditions have been met; and certain felonies eight years under certain circumstances). *See People v. Doe*, 86 N.Y.S.3d 853 (N.Y. Sup. Ct. 2018) (finding that defendant arrested twice in span of month and a half for selling drugs and convicted not entitled to expungement because the two sales were not so closely related and connected in point of time and circumstances to amount to one criminal indictment - sales were not integrated, independent acts that could sustain finding of single criminal venture).

North Carolina. N.C. GEN. STAT. ANN. § 15A-145.5 (providing for the expunction of certain misdemeanors and felonies; and, that if a “person is convicted of more than one nonviolent felony or nonviolent misdemeanor in the same session of court, then the **multiple nonviolent felony or nonviolent misdemeanor convictions shall be treated as one nonviolent felony or nonviolent misdemeanor conviction** under this section, and the expunction order issued under this section shall provide that the multiple nonviolent felony convictions or nonviolent misdemeanor convictions shall be expunged from the person's record in accordance with this section.”).

North Dakota. N.D. CENT. CODE ANN. § 12-60.1-02 (West) (setting forth the grounds to file petition to seal criminal record).

Ohio. OHIO REV. CODE ANN. § 2953.32 (West 2023) (providing for the expungement of misdemeanors and limited felonies when certain conditions are met).

Oklahoma. OKLA. STAT. ANN. tit. 22, § 18 (West 2023) (providing that the expungement of certain misdemeanors and felonies “**arising out of the same transaction or occurrence shall be treated as one conviction and offense**.”).

Oregon. OR. REV. STAT. ANN. § 137.225 (West 2023) (enumerating the circumstances in which misdemeanors and felony convictions may be set aside).

Pennsylvania. 18 PA. STAT. AND CONS. STAT. ANN. § 9122 (West) (providing that criminal history record – misdemeanor or felony – may be expunged when “[a]n individual who is the subject of the information reaches 70 years of age and has been free of arrest or prosecution for ten years following the final release from confinement or supervision.”).

Rhode Island. 12 R.I. GEN. LAWS ANN. § 12-1.3-2 (West) (providing for the expungement of misdemeanor convictions after five years and felony convictions after ten years).

South Carolina. S.C. CODE ANN. § 22-5-910 (West 2023) (providing that any number of offenses for crimes carrying a certain penalty may be expunged provided that the “**individual received sentences at a single sentencing proceeding that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes**.”) (no statutory definition of term and no common law interpretation). *See* S.C. CODE ANN. § 22-5-930 (A), (B), (F) (providing that after statutorily prescribed waiting period certain drug offenses are eligible for expungement and “**that any number of offenses for which the individual received sentences at a single sentencing proceeding for offenses that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes**.”) (no statutory definition of term and no common law interpretation). *See also* S.C. CODE ANN. § 22-5-920 (providing that for purposes of the Youthful Offender Act, “any number of offenses [-certain non-violent misdemeanors or Class D, E, or F felonies -] for which the individual received a youthful offender sentence at a single sentencing proceeding for offenses that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes.”).

South Dakota. S.D. CODIFIED LAWS § 23A-3-34 (West 2023) (allowing automatic removal of petty offenses, municipal ordinance violations, or Class 2 misdemeanors from the public record after five years if petitioner is offense free). *See* S.D. CODIFIED LAWS § 23-6-8.1 (providing for destruction of records if person is dead; seventy-five years of age or older and no violation within ten years; incidents no longer considered crimes; “misdemeanor offenses whose final date of disposition occurred at least ten years prior to authorized date of destruction.”).

Tennessee. TENN. CODE ANN. § 40-29-101 (West 2023) (“Those convicted of an infamous crime may petition for restoration upon the expiration of the maximum sentence imposed for the infamous crime.”).

Utah. UTAH CODE ANN. § 77-40a-303 (2023 West) (providing for expungement of certain misdemeanors and felonies and setting forth ineligibility for a certain number of convictions if set forth in a **separate criminal episode**). *See* UTAH CODE ANN. § 76-1-401 (defining “**single criminal episode**” as “all conduct which is closely related in time and is incident to an attempt to or an accomplishment of a single criminal objective.”).

Vermont. VT. STAT. ANN. tit. 13, § 7602(a)(1) (West 2023) (providing that a court shall grant expungement of the record of a qualifying crime “or qualifying crimes **arising out of the same incident**” if the requisite time period has elapsed since completion of sentence).

Virginia. VA. CODE ANN. § 19.2-392.2 (West 2023) (providing for the expungement of “a crime, a civil offense, or any offense defined in Title 18.2.”).

Washington. Wash. Rev. Code Ann. § 9.94A.640 (West 2023) (providing for the vacation of an offender’s record of conviction when certain conditions are met).

West Virginia. W. VA. CODE ANN. § 61-11-26 (West 2023) (providing that persons with multiple misdemeanors are eligible for expungement but a person may apply for expungement of only one felony, including “**offenses arising from the same transaction or series of transactions.**”). *State v. T.D.*, No. 14-0988, 2015 WL 3448196 (W. Va. May 29, 2015) (finding that the convictions sought to be expunged occurred on three separate dates they did not arise out of the same transaction and were not eligible for expungement).

Wyoming. WYO. STAT. ANN. § 7-13-1502 (West 2023) (Providing that individuals convicted of a felony or felonies **arising from the same occurrence or related course of events** may petition for expungement of their conviction records, subject to the limitations specified in the statute).