

| Jurisdiction (States, DC, U.S., and territories, but not VT) | Sealing Only (anything less than mandatory destruction of police and prosecution records) | Actual Convictions Eligible (even if just some) | Automatic (even if just for some offenses) | All Convictions Eligible | Eligible if Priors (even with limitations; includes limits based on timing of conviction) | Eligible if Subsequent Offense (even with limitations; includes limits based on timing of conviction) |
|---|--|--|--|-----------------------------|--|--|
| Totals: 54 | 41 | 44 | 19 | 0 | 46 | 44 |
| Alabama | 1 | | | | 1 | 1 |
| Alaska | | 1 | | | 1 | 1 |
| Arizona | 1 | 1 | 1 | | 1 | 1 |
| Arkansas | 1 | 1 | | | 1 | 1 |
| California | 1 | 1 | 1 | | 1 | 1 |
| Colorado | 1 | 1 | | | 1 | |

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|-------------|---|---|---|--|---|---|
| Connecticut | 1 | 1 | 1 | | 1 | 1 |
| Delaware | 1 | 1 | | | | |
| DC | 1 | 1 | | | 1 | 1 |
| Florida | | | 1 | | | |
| Georgia | 1 | | | | 1 | 1 |
| Hawaii | 1 | 1 | | | 1 | 1 |
| Idaho | | | | | 1 | 1 |

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|-----------|---|---|---|--|---|---|
| Illinois | | 1 | 1 | | | |
| Indiana | 1 | 1 | | | 1 | 1 |
| Iowa | 1 | 1 | | | | |
| Kansas | 1 | 1 | | | 1 | 1 |
| Kentucky | 1 | 1 | 1 | | 1 | 1 |
| Louisiana | 1 | 1 | | | 1 | 1 |
| Maine | 1 | 1 | | | | |

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|---------------|---|---|---|--|---|---|
| Maryland | 1 | 1 | 1 | | 1 | 1 |
| Massachusetts | 1 | 1 | 1 | | 1 | 1 |
| Michigan | 1 | 1 | 1 | | 1 | 1 |
| Minnesota | 1 | 1 | | | 1 | 1 |
| Mississippi | 1 | 1 | | | | |

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|---------------|---|---|---|--|---|---|
| Missouri | | 1 | 1 | | 1 | 1 |
| Montana | 1 | 1 | | | 1 | 1 |
| Nebraska | 1 | | 1 | | 1 | 1 |
| Nevada | 1 | 1 | | | 1 | 1 |
| New Hampshire | 1 | 1 | | | 1 | 1 |
| New Jersey | 1 | 1 | 1 | | 1 | 1 |

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| New Mexico | 1 | 1 | 1 | | 1 | 1 |
| New York | 1 | 1 | 1 | | 1 | 1 |
| North Carolina | | 1 | | | 1 | 1 |
| North Dakota | 1 | 1 | | | 1 | 1 |
| Ohio | 1 | 1 | | | 1 | 1 |
| Oklahoma | 1 | 1 | | | 1 | 1 |
| Oregon | 1 | 1 | | | 1 | 1 |

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|----------------|---|---|---|--|---|---|
| Pennsylvania | | 1 | 1 | | 1 | 1 |
| Rhode Island | 1 | 1 | | | 1 | 1 |
| South Carolina | | 1 | | | 1 | 1 |
| South Dakota | 1 | 1 | 1 | | 1 | 1 |
| Tennessee | 1 | 1 | | | 1 | 1 |
| Texas | | | | | 1 | 1 |

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|---------------|---|---|---|--|---|---|
| Utah | 1 | 1 | 1 | | 1 | 1 |
| Virginia | 1 | | 1 | | 1 | 1 |
| Washington | 1 | 1 | | | 1 | 1 |
| West Virginia | | 1 | | | 1 | 1 |
| Wisconsin | | 1 | 1 | | 1 | |
| Wyoming | 1 | 1 | | | 1 | 1 |
| United States | | | | | | |

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|----------------|---|---|--|--|---|---|
| Guam | 1 | | | | 1 | 1 |
| Puerto Rico | | | | | | |
| Virgin Islands | 1 | 1 | | | 1 | 1 |

Comments

Ala. Code 12-25-32 limits eligible offenses.
Ala. Code 15-27-6 allows prosecution to keep records.
Ala. Code 15-27-8 requires expunged records to be sent to archives and retained indefinitely.

AK ST 12.62.180 limits sealing to cases of mistaken ID/false accusation.
AK ST 12.62.190 gives agencies sole discretion to expunge.

A.R.S. 13-905(K) limits eligible offenses.
A.R.S. 13-905 allows convictions to be set aside, but nothing gets destroyed.
A.R.S. 13-907 automatic only for those not previously convicted of a felony.

AR ST 16-90-1404(4) says destruction is not required.
AR ST 16-90-1413 sets forth sealing process.
AR ST 16-90-1405, 1406, and 1408 limit eligible offenses.
AR ST 16-90-1406 limits eligibility to those with only one previous felony conviction.

Nothing requires destruction or prevents future law enforcement use.
CA PENAL 1203.4 limits eligible offenses.
CA PENAL 1203.425 provides automatic relief in limited circumstances.

CRSA 24-72-702 says destruction of documents is not authorized.
CRSA 24-72-703 allows future use by law enforcement.
CRSA 24-72-703 provides for automatic unsealing upon new convictions.
CRSA 24-72-703 and 706 limit eligible offenses.
CRSA 24-72-706 contains limitations re subsequent offenses

Uses "erasure," but physical destruction only seems authorized in cases of convictions for decriminalized offenses. CT ST 54-142d.
CT ST 54-142d appears to limit erasure of convictions to decriminalized offenses.
CT ST 54-142a limits to dismissals, not guilty verdicts, and pardons. The automatic process is limited to dismissals and not guilty verdicts.

11 DE ST 4372 includes both destruction and segregation in the definition of "expungement," but the process for expungement requires segregation only.
11 DE ST 4372 to 4373 limits eligible offenses.
11 DE ST 4372 to 4373 contain limits re prior and subsequent offenses.
11 DE ST 4376 specifically authorizes future law enforcement use.

DC CODE 16-801 limits eligible offenses.
DC CODE 16-801 and 803 contain limitations re prior and subsequent convictions.
DC CODE 16-803 and 806 specifically authorize law enforcement to maintain files.

FL ST 943.0584 limits eligible offenses.
FL ST 943.0585 contains limitations on expunging convictions, as well as prior and subsequent offenses.
FL ST 943.0595 provides for automatic sealing in some situations.

Basically a deferred sentence program.
Ga. Code Ann. 42-8-60 not eligible if prior felony conviction.
Ga. Code Ann. 42-8-60 limits eligible offenses.
Ga. Code Ann. 42-8-62.1 allows future prosecutor use.

HI ST 831-3.2 uses "expunge," but the materials are actually placed in a confidential file.
HI ST 831-3.2 allows future law enforcement use.
Per HI ST 706-622.5 and 712-1256 only certain drug convictions are eligible.
Otherwise limited to cases not resulting in a conviction.

ID ST 67-3004 limits expungement to basically finger prints and criminal history records associated with cases where no conviction occurred.

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| <p>20 IL ST 2630/5.2 requires destruction for expungements, but the court gets to keep its file.</p> <p>20 IL ST 2630/5.2 only provides for automatic expungement of certain marijuana civil offenses.</p> <p>20 IL ST 2630/5.2 limits eligible offenses.</p> <p>20 IL ST 2630/5.2 contains limits re prior and subsequent offenses.</p> |
| <p>Both "seal" and "expunge" are used, but IN ST 35-38-9-6 reveals "expunge" does not mean destroy. It allows law enforcement to keep and access files.</p> <p>IN ST 35-38-9-0.6 allows law enforcement to retain internal records.</p> <p>IN ST 35-38-9-2 to 4 limits eligible offenses.</p> |
| <p>Uses "expunge," but ICA 907.1 reveals that means seal.</p> <p>ICA 901C.3 and 907.3 limits eligible offenses.</p> <p>ICA 901C.3 and 907.3 contain limits re prior and subsequent offenses.</p> <p>ICA 907 sets up a whole separate deferred sentence process where expungements can result and prosecutors can access expunged records per ICA 907.4.</p> |
| <p>Uses "expunge," but KS ST 12-4516 reveals that means seal.</p> <p>KS ST 12-4516 and 21-6614 limit eligible offenses.</p> <p>KS ST 12-4516, 4516a, and 21-6614 allows limited law enforcement use.</p> |
| <p>KY ST 431.079 reveals that "expunge" only means removal/deletion of information that appears in official state-performed background checks, not destruction of all records.</p> <p>KY ST 431.073 and 431.078 limit eligible offenses.</p> <p>KY ST 431.073 contains limits re subsequent offenses.</p> <p>KY ST 431.073 permits the prosecution to retain a copy for law enforcement purposes for some expunged offenses.</p> <p>KY ST 431.076 appears to contemplate automatic expungement upon acquittal and dismissals with prejudice not part of a plea agreement.</p> |
| <p>LSA C.CR.P Art. 971 to 973 reveal that "expunged" records merely remain confidential and are available for law enforcement to use.</p> <p>LSA C.CR.P Art. 977 and 978 limit eligible offenses.</p> |
| <p>It appears Maine only has a process for sealing juvenile records.</p> <p>15 ME ST 3308 contains limits re subsequent offenses.</p> <p>15 ME ST 3308 permits law enforcement access to sealed records.</p> |

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| <p>MD CRIM PROC 10-101 defines "expungement" as obliteration <u>or</u> removal to a separate secure area, i.e., sealing. Obliteration appears permissive in other sections.</p> <p>MD CRIM PROC 10-102 appears to carve prosecution records, investigatory files, and law enforcement work product out of expungement laws.</p> <p>MD CRIM PROC 10-103.1 appears to limit automatic expungement to arrests not resulting in criminal charges.</p> <p>MD CRIM PROC 10-105 and 110 limit eligible offenses.</p> <p>MD CRIM PROC 10-105 and 110 contain limits re subsequent offenses.</p> <p>MD CRIM PROC 10-108 permits law enforcement access upon court order.</p> |
| <p>276 MA ST 100A, 100B, 100I contain limits re subsequent offenses.</p> <p>276 MA ST 100A and 100J limit eligible offenses.</p> <p>276 MA ST 100C appears to limit automatic sealing to cases not resulting in conviction.</p> <p>276 MA ST 100D grants law enforcement agencies access to sealed records.</p> <p>276 MA ST 100F to 100H contain limits re prior offenses.</p> <p>276 MA ST 100L appears to limit destruction to information on publicly available police logs.</p> |
| <p>MI ST 780.624, 780.621d, 780.621g, and 780.624 contain limits re prior and subsequent offenses.</p> <p>MI ST 780.621c and 780.621g limit eligible offenses.</p> <p>MI ST 780.621g limits automatic process to a subset of misdemeanors.</p> <p>MI ST 780.623 makes clear this is sealing.</p> |
| <p>MN ST 609A.01 specifically states that this is sealing and destruction of records is not authorized.</p> <p>MN ST 609A.01 and 609A.02 limit eligible offenses.</p> <p>MN ST 609A.02 contains limits re subsequent offenses.</p> |
| <p>MS ST 63-11-30 re DUIs contains limits re prior and subsequent offenses.</p> <p>MS ST 99-15-59 only allows expungement of misdemeanors not resulting in conviction.</p> <p>MS ST 99-15-26 is essentially a deferred sentence program.</p> <p>MS ST 99-15-26, 45-33-55, and 99-19-71 limit eligible offenses.</p> <p>MS ST 99-15-26 and 99-19-71 contain limits re prior and subsequent offenses.</p> <p>MS ST 99-19-71 allows law enforcement to retain a nonpublic record for law enforcement use.</p> |

MO ST 610.105 creates an automatic sealing for cases not resulting in a conviction or resulting in MO's version of a suspended sentence.
MO ST 610.120 prohibits destruction of sealed records and permits law enforcement to access the records.
MO ST 610.122 contains limits re prior and subsequent offenses.
MO ST 610.123 and 610.124 require, for records not resulting in conviction only, the court to seal its records, but other records get destroyed. Prosecution can seek access to sealed court records.
MO ST 610.130 and 610.140 limits expungement of convictions to certain offenses.
MO ST 610.140 appears to require only sealing for cases resulting in conviction.
MO ST 610.140 contains some limits re prior and subsequent offenses.

MT ST 46-18-1107 limits eligibility to misdemeanor offenses and contains limits re prior and subsequent offenses.
MT ST 16-18-1103 and 46-18-1110 reveal that only information from MT's criminal history record information system is destroyed and law enforcement simply seals its records.

NE ST 29-3523 limits this to situations in which no conviction has resulted or a human trafficking victim's conviction is set aside. It only provides for sealing.

NV ST 179.245 and 179.247 limit eligible offenses.
NV ST 179.245 contains limits re prior and subsequent offenses.
NV ST 179.301 grants prosecutors access to sealed records.

NH ST 651:5 contains limits re prior and subsequent offenses.
NH ST 651:5 limits eligible offenses.
NH ST 651:5 allows law enforcement access to records.

NJ ST 2C:52-1 clarifies that "expungement" means sealing.
NJ ST 2C:52-2 and 3 contain limits re prior and subsequent offenses.
NJ ST 2C:52-2 limits eligible offenses.
NJ ST 2C:52-6 limits automatic expungements to cases resulting in dismissal (aside from part of a plea agreement) and acquittals.
NJ ST 2C:52-5.4 established a task force to look at automated expungements.

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| <p>NM ST 29-3A-2 makes clear that "expungement" means sealing and does not include the prosecution file.</p> <p>NM ST 29-3A-5 contains limits re prior and subsequent offenses and limits eligible offenses.</p> <p>2021 N.M. SB 2 (new law) will automate expungement of some marijuana convictions.</p> |
| <p>NY CRIM PRO 160.50 creates an automated process for cases terminated in favor of the defendant and for marijuana convictions. It limits destruction to prints and photos; everything else is sealed.</p> <p>NY CRIM PRO 160.59 limits sealing of convictions to certain offenses. It contains limits on prior and subsequent offenses.</p> <p>NY CRIM PRO 160.59 grants law enforcement access to sealed records.</p> |
| <p>NC ST 15A-145.5 limits eligible offenses and contains limits re prior and subsequent offenses.</p> <p>NC ST 15A-146 permits law enforcement to maintain investigation files for acquittals that are expunged.</p> <p>NC ST 15A-1151 and 151.5 permit prosecutors to obtain access to the confidential file the court maintains, but it appears for the most part destruction is required.</p> |
| <p>ND ST 12-60.1-02 limits eligible offenses and contains limits re prior and subsequent offenses.</p> |
| <p>OH ST 2953.32 and 2953.321 allow law enforcement access to sealed records.</p> <p>OH ST 2953.31 and 2953.36 limit eligible offenses.</p> <p>OH ST 2953.31 contain limits re prior and subsequent offenses.</p> |
| <p>22 OK ST 18 makes it clear that "expungement" means sealing. It allows law enforcement access. It contains limits on eligible offenses and contains limits re prior and subsequent offenses.</p> <p>22 OK ST 19 makes it clear that deletion of sealed records is permissive and only after 10 years.</p> |
| <p>OR ST 137.225 allows for sealing, not destruction.</p> <p>OR ST 137.225 limits eligible offenses.</p> <p>OR ST 137.225 contain limits re prior and subsequent offenses.</p> <p>OR ST 135.225 permits law enforcement access to sealed records.</p> |

18 Pa.C.S.A. 9122 indicates that expungement is only eligible conviction is for underage drinking and Penn.'s summary offenses. The remaining situations are for cases that don't result in a conviction and those a limited to specific offenses.
18 Pa.C.S.A. 9122 provides for limited automatic expungement.
18 Pa.C.S.A. 9122.1 permits sealing in more situations.
18 Pa.C.S.A. 9122.1 and 9122.4 contain restrictions on prior and subsequent offenses.
18 Pa.C.S.A. 9122.1 to 9122.3 limit eligible offenses.

RI ST 12-1.3-1 clarifies that "expungement" means sealing.
RI ST 12-1.3-1 limits eligible offenses.
RI ST 12-1.3-1 appears to carve out prosecutor records.
RI ST 12-1.3-2 contains limits re prior and subsequent offenses.
RI ST 12-1-12.1 and 12.2 also permit sealing re acquittals, exonerations, and wrongful arrests based on mistaken identification.

SC ST 16-17-530 and 22-5-910 through 930 contain limits on eligible offenses. They also contain limits re prior and subsequent offenses.
SC ST 22-5-910 requires retention of a nonpublic record of the offense. Not clear if this means expungement means sealing.

SD ST 23A-3-26 makes clear that "expungement" means sealing.
SD ST 23A-27-17, 23A-3-27, and 23A-3-34 limit eligibility to cases where no judgment of conviction is entered except for a limited number of petty offenses and misdemeanors that are automatically removed from the public record after 10 years..

TN ST 40-32-101 limits eligible offenses and contains limits re priors and subsequent offenses.
TN ST 40-32-101 does require destruction, but not of the underlying investigative reports and prosecutor files, which are basically just sealed.

TX CRIM PRO Art. 55.01 limits expungement to cases not resulting in a judgment of conviction and pardoned offenses.
TX CRIM PRO Art. 55.02 permits law enforcement and the prosecutor to retain records in very limits situations, but generally destruction seems contemplated.

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| <p>UT ST 77-40-102 and 105 limit eligible offenses.</p> <p>UT ST 77-27-5.1, 77-40-102, and 77-40-109 clarify that except in instances of a pardon, "expunge" means sealing.</p> <p>UT ST 77-40-105 contains limits re prior and subsequent offenses.</p> <p>UT ST 77-40-114 authorizes automatic expungement, i.e., without a petition, in limited circumstances.</p> |
| <p>VA ST 19.2-392.2 limits expungement to cases not resulting in a conviction, pardons, and vacated convictions.</p> <p>VA ST 19.2-392.2 and 9.1-134 appear to allow the state police to adopt rules re expungement that allow for either destruction or sealing.</p> <p>VA ST 19.2-392.3 includes a process for law enforcement access.</p> <p>VA ST 19.2-392.21 provides automatic process for marijuana.</p> |
| <p>WA ST 9.94A.640 and 9.96.060 limit eligible offenses and contains limits re prior and subsequent offenses.</p> <p>WA ST 9.94A.640 allows law enforcement to keep records .</p> |
| <p>W.Va. Code 61-11-26 and 26b limit eligible offenses.</p> <p>W.Va. Code 61-11-25 and 26 contain limits re prior and subsequent offenses.</p> <p>W.Va. Code 61-11-25 and 26 seem to contemplate sealing the court records and expunging law enforcement records, but there is a process for law enforcement to gain access to the sealed records.</p> |
| <p>W.S.A. 973.015 appears to create an automatic process for expunging convictions for certain crimes committed by individuals under certain age thresholds. It contains limits on subsequent offenses.</p> <p>W.S.A. 973.015, SCR 72.05 and SCR 72.06 make it appear that expungement is restricted to court records, which aren't necessarily destroyed. It's unclear.</p> |
| <p>WY ST 7-13-1401 pertains to cases not resulting in a conviction.</p> <p>WY ST 7-13-1501 to 1502 pertain to convictions, limit eligible offenses, and contain limits on prior and subsequent offenses.</p> <p>WY ST 7-13-1401 to 1502 reveal "expungement" actually means sealing and does not include law enforcement records.</p> |
| <p>18 U.S.C. 3607 is really only a deferred sentence program for first time drug offenders.</p> |

8 G.C.A. 11.11 clarifies that "expungement" means sealing.
8 G.C.A. 11.10 limits eligibility to cases not resulting in a conviction and pardons.
9 G.C.A. 67.412 sets up a deferred sentence program for first time drug offenders.

9 L.P.R.A. 5072a is limited to administrative traffic violations.
24 L.P.R.A. 2404 sets up a deferred sentence program for first time drug offenders.

5 V.I.C. 3731 reveals "expungement" means sealing.
5 V.I.C. 3732 to 3734 limit eligibility to cases not resulting in a conviction and misdemeanors.
5 V.I.C. 3711 sets up a deferred sentence program for first time offenders.