

NOTE: A SEPARATE PETITION MUST BE FILED FOR EACH CRIMINAL CASE AND THE CHARGE(S) MUST BE LISTED IN THIS PETITION FOR THE CHARGE(S) TO BE EXPUNGED. ADDITIONALLY, A COPY OF YOUR CURRENT EXPUNGEMENT ELIGIBILITY CERTIFICATION MUST BE ATTACHED TO THIS PETITION.

AOC-496.2 Doc. Code: PEXC
Rev. 7-16
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Commonwealth of Kentucky
Court of Justice www.courts.ky.gov
KRS 431.078; 218A.275(8);
218A.276(8); 431.079



PETITION FOR EXPUNGEMENT
(FOR MISDEMEANOR, VIOLATION, OR
TRAFFIC INFRACTION CONVICTION)

Case No. _____
Court _____
County _____
Division _____

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

_____ NAME

DEFENDANT

_____ ADDRESS

_____ PHONE NUMBER

Jail ID Number _____ (optional)

Defendant's Birthdate: _____ Defendant's SSN: _____ Violation/Arrest Date: _____

Comes now the Defendant herein, and petitions the Court, pursuant to KRS 431.078, to expunge the following misdemeanor, violation, or traffic infraction charge(s) in the above-referenced case:

CHARGE: _____ CHARGE: _____
CHARGE: _____ CHARGE: _____
CHARGE: _____ CHARGE: _____

In support of this Petition, the Defendant states as follows:

1. The Defendant was convicted of the misdemeanor(s), violation(s) or traffic infraction(s) charged above.
2. The above-stated offense(s) is/are not a sex offense(s) or an offense(s) committed against a child.
3. The Defendant has not, been convicted of a felony or misdemeanor in the five years prior to the filing of this Petition.
4. The offense(s) is/are not subject to enhancement for a second or subsequent offense or the time for such enhancement has expired.
5. No proceeding concerning a felony or misdemeanor is pending or being instituted against Defendant.
6. This petition is filed no sooner than five (5) years after completion of Defendant's sentence or five (5) years after successful completion of the Defendant's probation, whichever is later; **OR** involves Defendant's 1st conviction for possession of controlled substances voided under KRS 218A.275(8); **OR** involves a conviction for possession of marijuana or synthetic drugs or salvia voided under KRS 218A.276(8).
7. List the names and addresses of all victims of the crimes listed above and any other person(s) whom Defendant/Petitioner has reason to believe may have information relevant to the expungement:

Victims: _____

Persons with relevant information: _____

The Defendant prays that this Petition for Expungement of a Misdemeanor, Violation, or Traffic Infraction Conviction be granted and that this Court enter an Order that the following agencies expunge any records in the agencies custody regarding these charges: **LIST AGENCIES AND ADDRESSES HERE:**

Note: Defendant/Petitioner must sign this petition **in the presence of** a notary **or** the circuit court clerk so that the notary/ clerk can notarize his/her signature.

Date: _____, _____.

Defendant/Petitioner Signature

Subscribed and sworn to before me by _____
this _____ day of _____, _____.

Notary/Clerk

My commission expires: _____, _____. By: _____ D.C.

THERE IS A \$100 FEE PER CASE, PAYABLE AT THE TIME OF FILING. THE CLERK CANNOT TAKE YOUR PETITION WITHOUT PROPER PAYMENT OF THE FEE. IF AN EXPUNGEMENT ORDER IS NOT GRANTED, \$50.00 OF THIS FEE IS NOT REFUNDABLE.

NOTIFICATION OF EXPUNGEMENT HEARING

This case is set for a hearing on _____, _____, at the hour of _____ a.m. p.m. at the _____ District Circuit Court.

Dated this _____ day of _____, _____.

Clerk

By: _____ D.C.

FOR CLERK USE ONLY

This Petition for Expungement was sent on the _____ day of _____, _____, to Defendant/ Petitioner or his/her attorney; the County Attorney; all crime victim(s) identified by Defendant/Petitioner or in the court record sought to be expunged; and all other person(s) whom Defendant/Petitioner has reason to believe may have information relevant to the expungement.

Clerk
By: _____ D.C.

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Commonwealth of Kentucky
Court of Justice www.courts.ky.gov
KRS 431.078; 218A.275(8);
218A.276(8)



EXPUNGEMENT ORDER
(FOR MISDEMEANOR, VIOLATION, OR
TRAFFIC INFRACTION CONVICTION)

Case No. _____
Court _____
County _____
Division _____

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

_____ NAME

DEFENDANT

_____ ADDRESS

_____ PHONE NUMBER

Jail ID Number _____ (optional)

Defendant's Birthdate: _____ Defendant's SSN: _____ Arrest Date: _____

FINDINGS OF FACT

The Court, having held a hearing on Defendant's Petition for Expungement and being sufficiently advised, **FINDS:**

1. Defendant has moved this Court to expunge the above-styled case wherein Defendant was convicted of the following misdemeanor(s), violation(s), or traffic infraction(s):

CHARGE: _____ CHARGE: _____

CHARGE: _____ CHARGE: _____

CHARGE: _____ CHARGE: _____

2. The above-stated offense(s) is/are not a sex offense(s) or an offense(s) committed against a child;

3. Defendant has not been convicted of a felony or misdemeanor in the five (5) years prior to the filing of this Petition;

4. No proceeding concerning a felony or misdemeanor is pending or being instituted against Defendant;

5. The offense(s) is/are not subject to enhancement for a second or subsequent offense or the time for such enhancement has expired; AND

6. The petition is filed no sooner than five (5) years after completion of Defendant's sentence or five (5) years after successful completion of the defendant's probation, whichever is later; **OR** involves Defendant's 1st conviction for possession of controlled substances voided under KRS 218A.275(8); **OR** involves a conviction for possession of marijuana or synthetic drugs or salvia voided under KRS 218A.276(8).

7. Other:

THEREFORE, IT IS HEREBY ORDERED:

1. The petition is **DENIED**. (Doc Code: OEXD) **The clerk shall refund \$50.00 of the fee(s) paid for expungement.**
2. The petition is **GRANTED**. (Doc Code: OEXG)
 - a. The above offense(s) is/are **expunged** from the court's records. Upon entry of this order, the proceedings in the case(s) shall be deemed never to have occurred. Defendant and the Court may properly reply no record exists with respect to Defendant upon any inquiry and Defendant shall not have to disclose the fact of the record or any matter relating thereto on any application for employment, credit, or other purpose.
 - b. The Kentucky State Police and other following agencies are hereby ordered to expunge any records in their custody regarding the above-named Defendant and offense(s):

Date: _____, 2_____. _____ **JUDGE**

AGENCY CERTIFICATION

_____, an above-named agency ordered to expunge records in our custody, hereby certifies that the agency has no records in its custody relating to the Defendant/matter OR the agency has completed the expungement as directed by this Court.

Date: _____, 2_____. Agency Records Custodian: _____

Distribution: Original - Court File

Copies: Defendant/Attorney; Kentucky State Police 1266 Louisville Road, Frankfort, KY 40601; Named Agencies