

CHECKLIST FOR CASES ENDING WITH NO CONVICTIONS (KRS 431.076)

All charges that were disposed of without a conviction can be expunged unless the dismissal was part of a plea deal involving a plea to another charge (However, these charges can be expunged when, and if, the other conviction in the plea deal is expunged).

OTHER CRITERIA - Time periods

If the disposition was an **acquittal** after a trial by a jury or by a judge

The petition must be filed 60 days afterwards

And

There are no further pending proceedings

If the disposition was a **dismissed with prejudice**

The petition must be filed 60 days afterwards

And

The dismissal was not in exchange for a guilty plea to another offense

And

There are no further pending proceedings

If the charge was a **felony** and **dismissed without prejudice**

The petition must be filed 3 years afterwards

And

The dismissal was not in exchange for a guilty plea to another offense.

And

There are no further pending proceedings

If the charge was a **misdemeanor** and **dismissed without prejudice**

The petition must be filed 1 year afterwards

And

The dismissal was not in exchange for a guilty plea to another offense.

And

There are no further pending proceedings

If the charge was **referred to the Grand Jury** with no indictment being issued

The petition must be filed 6 months afterwards

And

There are no further pending proceedings

Note: The prosecution has a period of time after the petition for expungement is filed (which could be as long as 180 days) in which it can move forward and submit the case to the grand jury.

The case was disposed of by some other means (for example, deferred prosecution)

Some judges and prosecutors may treat these dismissals as a dismissal with prejudice after the time for imposing a punishment has expired. However, it is quite possible you may have to return to court to get a formal order of dismissal. If you do this make sure the order is labeled *nunc pro tunc*, that it is effective as of the date you fulfilled the condition. Otherwise the waiting period could start from the later date.

Please Note:

After July 14, 2020,

Charges (other than traffic infractions not otherwise classified as a misdemeanor) that end

in an acquittal

or

in a dismissal with prejudice

where 1) all the charges in the case were also dismissed with prejudice and
2) this was not done in exchange for a guilty plea in another case will

be automatically dismissed after 30 days without any action by you; however, you can object and prevent such a dismissal if you wish.

FEES - None

Also, no KSP Certification is required