

Expungement of Certain Convictions, Arrest Records & Diversion Agreements
K.S.A. § 21-6614

One (1) Year:

Any person convicted of the following crimes or who entered into a diversion agreement in lieu of further criminal proceedings may petition the convicting court for the expungement if one or more years have elapsed since the person:

- a. Satisfied the sentence imposed; OR
- b. Satisfied the terms of a diversion agreement; OR
- c. Was discharged from probation, a community correctional service program, parole, post release supervision, conditional release or a suspended sentence; AND
- d. Such person can prove they were acting under coercion caused by the act of another.

Type of Crime	Statute
Prostitution	21-6614(b)(1)-(2)
Selling Sexual Relations	21-6419
Includes: Performing/offering/agreeing to perform for hire where there is an exchange of value for: Sexual intercourse, sodomy, manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another	Affirmative Defense: person was subjected to human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child

Three (3) Years:

Any person convicted of the following crimes may petition the convicting court for the expungement if three or more years have elapsed since the person:

- a. Satisfied the sentence imposed; OR
- b. Was discharged from probation, a community correctional service program, parole, post release supervision, conditional release or a suspended sentence.

Type of Crime	Statute
State Traffic Infraction	21-6614(a)(1)
Cigarette or Tobacco Infraction	21-6614(a)(1)
Misdemeanor Crimes	21-6614(a)(1)
Class D Felony	21-6614(a)(1)
Class E Felony	21-6614(a)(1)
Non-Drug Crimes Level 6-10 Committed on/after: 7/1/93	21-6614(a)(1)
Any Felony Level 4 of the Drug Grid Committed between 7/1/93—7/1/12	21-6614(a)(1)
Any Felony Level 4 of the Drug Grid Committed on/after 7/1/12	21-6614(a)(1)
Diversion Agreements	21-6614(a)(2) After fulfillment of terms and conditions of diversion agreement

Five (5) Years:

Any person convicted of the following crimes or who entered into a diversion agreement in lieu of further criminal proceedings may petition the convicting court for the expungement if five or more years have elapsed since the person:

- a. Satisfied the sentence imposed; OR
- b. Satisfied the terms of a diversion agreement; OR
- c. Was discharged from probation, a community correctional service program, parole, post release supervision, conditional release or a suspended sentence.

Type of Crime	Statute
Class A Felony	21-6614(c)
Class B Felony	21-6614(c)
Class C Felony	21-6614(c)
Off-grid Felony or Nondrug crimes levels 1-5 Committed on/after: 7/1/93	21-6614(c)
Any Felony of the drug grid levels 1-3 Between 7/1/93—7/1/12	21-6614(c)
Any Felony of the drug grid levels 1-4 Committed on/after: 7/1/12	21-6614(c)
Vehicular Homicide	21-6614(c)(1)
Driving with a canceled, suspended, or revoked license	21-6614(c)(2)
Perjury	21-6614(c)(3)
Applying for a Motor Vehicle Title under a false name or address	21-6614(c)(4)
Any crime punishable as a Felony where a motor vehicle was used	21-6614(c)(5)
Failure to stop at the scene of an accident and perform the required duties	21-6614(c)(6)
Failure to have motor vehicle insurance	21-6614(c)(7)
1 st Violation DUI	21-6614(d)(1) <i>See KSA 8-1567</i>
1 st Violation Refusing to submit to a test to determine the presence of alcohol or drugs	21-6614(d)(1) KSA 8-1025 held unconstitutional by <u>State v. Ryce</u> , 303 Kan. 899 (2016).
2 or more Violations DUI Ten (10) years	21-6614(d)(2) <i>See KSA 8-1567</i>
2 or more Violations for refusing to submit to drug/alcohol test Ten (10) years	21-6614(d)(2) KSA 8-1025 held unconstitutional by <u>State v. Ryce</u> , 303 Kan. 899 (2016).

No Expungement for:

Type of Crime	Statute
Rape	21-6614(e)(1) <i>See</i> 21-5503
Indecent liberties w/child Aggravated indecent liberties w/child	21-6614(e)(2) <i>See</i> 21-5506
Criminal sodomy Aggravated criminal sodomy	21-6614(e)(3)&(4) <i>See</i> 21-5504, 5508
Indecent solicitation of a child Aggravated indecent solicitation of a child	21-6614(e)(5) <i>See</i> 21-5508
Sexual exploitation of a child	21-6614(e)(6) <i>See</i> 21-5510
Aggravated incest	21-6614(e)(7) <i>See</i> 21-5604
Endangering a child Aggravated endangering a child	21-6614(e)(8) <i>See</i> 21-5601
Abuse of Child	21-6614(e)(9) <i>See</i> 21-5602
Capital Murder	21-6614(e)(10) <i>See</i> 21-5401
1 st Degree Murder	21-6614(e)(11) <i>See</i> 21-5402
2 nd Degree Murder	21-6614(e)(12) <i>See</i> 21-5403
Voluntary Manslaughter	21-6614(e)(13) <i>See</i> 21-5404
Involuntary Manslaughter	21-6614(e)(14) <i>See</i> 21-5405
Sexual Battery Aggravated Sexual Battery Victim less than 18 at time committed	21-6614(e)(15)&(16) <i>See</i> 21-5505
DUI w/commercial motor vehicle	21-6614(e)(17) <i>See</i> 8-2,144
Any comparable offenses before 7/1/11	21-6614(e)(18)
No expungement while person is required to be registered under the Kansas Offender Registration Act	<i>See</i> 22-4901