Forgiving and Forgetting in American Justice

A 50-State Guide to Expungement and Restoration of Rights

April 2018 (Revised)

COLLATERAL CONSEQUENCES RESOURCE CENTER

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The Collateral Consequences Resource Center is a non-profit organization established in 2014 to promote public discussion of the collateral consequences of conviction, the legal restrictions and social stigma that burden people with a criminal record long after their court-imposed sentence has been served. The resources available on the Center website are aimed primarily at lawyers and other criminal justice practitioners, scholars and researchers, but they should also be useful to policymakers and those most directly affected by the consequences of conviction. We welcome information about relevant current developments, including judicial decisions and new legislation, as well as proposals for blog posts on topics related to collateral consequences and criminal records. In addition, Center board members and staff are available to advise on law reform and practice issues.

For more information, visit the CCRC at http://ccresourcecenter.org.

Restoration of Rights Project

This report was prepared by staff of the Collateral Consequences Resource Center, and is based on research compiled for the Restoration of Rights Project, a CCRC project launched in August 2017 in partnership with the National Association of Criminal Defense Lawyers, the National Legal Aid & Defender Association, and the National HIRE Network. The report was originally published in October 2017. It was republished with revisions in January 2018 and again in April 2018.

The Restoration of Rights Project is an online resource containing detailed state-by-state analyses of the law and practice in each U.S. jurisdiction relating to restoration of rights and status following arrest or conviction. Jurisdictional "profiles" cover areas such as loss and restoration of civil rights and firearms rights, judicial and executive mechanisms for avoiding or mitigating collateral consequences, and provisions addressing non-discrimination in employment and licensing. In addition to the jurisdictional profiles, Project materials include a set of 50-state comparison charts that make it possible to see national patterns in restoration laws and policies, and summaries that provide a snapshot of available relief in each state. These summaries constitute the heart of this report, and three of the 50-state charts are also included in appendices.

The resources that comprise the Restoration of Rights Project were originally published in 2006 by CCRC Executive Director Margaret Love. They have been expanded over the years to broaden their scope and to account for the many changes in this complex and dynamic area of the law. In 2016, Project resources were re-organized into a unified online platform hosted on the CCRC website.

The Restoration of Rights Project is kept continuously up to date, and CCRC anticipates revising and republishing this overview report from time to time as warranted by developments in the law.

Forgiving & Forgetting in American Justice

A 50-State Guide to Expungement and Restoration of Rights

by Margaret Love, Josh Gaines & Jenny Osborne

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INTRODUCTION

This report catalogues and analyzes the various provisions for relief from the collateral consequences of a criminal conviction that are now operating in each of the 50 states. Its goal is to facilitate a national conversation about how people who have been convicted of a crime may best regain their legal rights and social status. Given the millions of Americans who have a criminal record, and the proliferation of laws and policies excluding them from a wide range of opportunities and benefits, there is a critical need for reliable and accessible relief provisions to maximize the chances that these individuals can live productive and law-abiding lives after completion of their court-imposed sentences. Whatever their form, effective relief provisions must reckon with technological advances that have made criminal records easily available, and systemic discrimination that frustrates the rehabilitative goals of the justice system.

Given the millions of Americans who have a criminal record, and the proliferation of laws and policies excluding them from a wide range of opportunities and benefits, there is a critical need for reliable and accessible restoration mechanisms.

The title of the report ("Forgiving & Forgetting") suggests a framework for analyzing different types of relief provisions. For most of our history, executive pardon constituted the principal way that persons convicted of a felony could "pay their debt to society" and regain their full rights as citizens. This traditional symbol of official forgiveness was considered unreliable by mid-20th century reformers, who sought to shift responsibility for restoration to the courts. The reforms they proposed took two quite different approaches: One approach authorized judges to limit public access to an individual's criminal record through sealing or expungement, and the other approach assigned judges something akin to the executive's pardoning role, through deferred dispositions and set-asides. These two approaches to restoration of rights and opportunities have existed side by side for more than half a century and have never been fully reconciled.

Today, with a new focus on reentry and rehabilitation, policy-makers are again debating whether it is more effective to forgive a person's past crimes (through executive pardon or judicial dispensation) or to forget them (through record-sealing or expungement). Despite (or perhaps because of) easy access to criminal records and pervasive background-checking practices, many states endorse the approach of forgetting through limits on public access, at least for less serious offenses and records not resulting in conviction. At the same time, national law reform organizations like the American Law Institute and the Uniform Law Commission, have proposed more transparent judicial forgiving or dispensing mechanisms. A

variation of the forgiveness model is represented by administratively enforceable standards and procedures for limiting consideration of criminal history in employment and licensing.

While the analytical model of forgiving v. forgetting is necessarily imperfect given the wide variety of relief mechanisms operating in the states, it seems to capture the basic distinction between an approach that would mitigate or avoid the adverse consequences of past crimes, and an approach that would limit access to information about those crimes.

Policy-makers are debating whether it is more effective to forgive a person's past crimes (through executive pardon or judicial dispensation) or to forget them (through record-sealing or expungement).

It is not the purpose of this report to recommend any specific approach to restoration, but simply to survey the legal landscape for the benefit of the policy discussions now underway in legislatures across the country. Its authors are mindful of the fact that very little empirical research has been done to measure outcomes of the various schemes described, many of which are still in their infancy.[1] It is therefore hard to say with any degree of certainty which approach works best to integrate individuals with a criminal record into their communities. At the same time, we hope that our description of state restoration mechanisms and legislative trends will inform the work of lawyers and other advocates working to assist individuals in dealing with the lingering burdens imposed by an adverse encounter with the justice system.

In the pages that follow, we summarize and analyze state restoration laws organized into six categories: executive pardon, judicial record-closing, deferred adjudication, certificates of relief, fair employment and licensing laws, and restoration of voting rights. The judgments made about the availability of each form of relief, reflected in color-coded maps, are necessarily subjective, and we have done our best to explain our approach in each case.

More detailed information about different forms of relief is available from the state-by-state summaries that are the heart of this report. Citations to relevant laws and comparisons of the laws of each state are included in the 50-state charts in the appendices. Up-to-date summaries and charts are available from the Restoration of Rights Project (http://restoration.ccresourcecenter.org), which additionally includes in-depth discussions of the law and policy in its state-by-state "profiles." We intend to republish this report from time to time to reflect significant changes in the law.

TYPES & CHARACTERISTICS OF RELIEF

EXECUTIVE PARDON

Pardon has been described as the patriarch of restoration mechanisms, whose roots in America are directly traceable to the power of the English crown. Just as a power to pardon was assigned to the president in Article II of the U.S. Constitution, the constitutions of all states but Connecticut provide for an executive pardoning power. Pardon is the ultimate expression of forgiveness and reconciliation from the sovereign that secured the conviction. For almost two centuries, pardon played a routine operational role in the criminal justice system, shortening court-imposed sentences and restoring civil rights lost because of conviction.

Nowadays, pardon is a shadow of its once-robust self, particularly in states where the governor exercises the power without restraint. But in a dozen states, where the pardoning authority is shielded from the political process by constitutional design, pardon still thrives. In those states (colored gold on the map on the following page) people who can demonstrate their rehabilitation have a good chance of official forgiveness, which relieves legal disabilities and certifies good character. In another handful of states (colored dark blue) the pardon process is regular and reliable, although in recent years it has produced few grants.

Not surprisingly, in most of the states where pardons are granted on a routine basis, the governor either has marginal involvement in the pardon process, or shares power with other executive officials. In six states, the pardon power is exercised in most or all cases by an independent board. In five of those six states, the power derives from the state constitution. (In Connecticut, the power to pardon has since colonial times remained within the legislature's control, so that pardoning is both authorized and limited by statute.) In five of the independent board states, pardoning is frequent and regular, administered through a transparent and accountable process. In Alabama, Connecticut, Georgia, South Carolina, and Idaho, hundreds of pardons are granted each year to ordinary people convicted of garden variety crimes who are seeking to mitigate the harsh lingering consequences of conviction. Utah is also an independent board state, but that state has for many years had a broad expungement remedy so that there has been little or no call on the pardon power.

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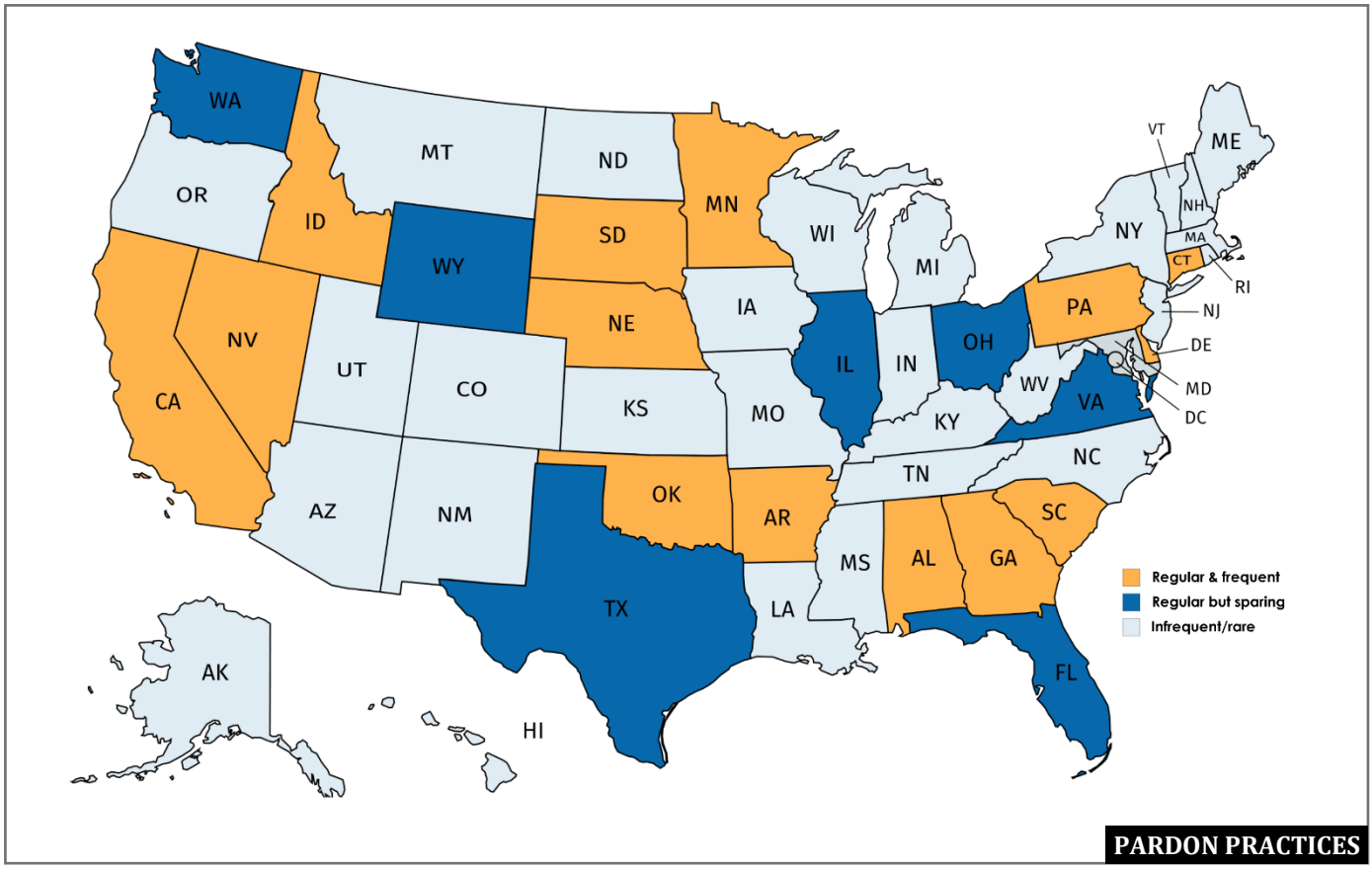


In another 14 states, the governor shares the pardon power with other officials or with an appointed "gatekeeper" board. In about half of these states pardon remains a viable form of relief, and pardoning occurs at regular intervals through a public process: Delaware, Nebraska, and Pennsylvania are the stars of this category. Arkansas and South Dakota governors have traditionally pardoned generously, and Minnesota's pardon board grants a substantial portion of its surprisingly small annual caseload. California's current governor Jerry Brown has revived the practice of pardoning in that state, which had fallen on hard times since the 1980s.

The pardon process is regular and transparent in Florida, Illinois, Ohio, and Washington, but pardons have been less frequent in these states in recent years than in the past. Virginia's last three governors have issued a substantial number of "simple pardons" (for forgiveness), although the process for obtaining this relief is opaque and irregular. While Arizona and Louisiana have statutory procedures calling for regular public hearings on pardon applications, the governors in those states have issued very few grants in recent years.

In Arkansas, Connecticut, Pennsylvania, South Dakota, Texas, and Washington a full pardon entitles the recipient to expungement, but in Illinois the pardon must authorize this additional relief. Oklahoma makes expungement available to pardon recipients only after a lengthy crime-free waiting period, and Delaware authorizes expungement only for pardoned misdemeanors. In the other "regular" states pardon does not carry with it judicial relief, though in disclosing the conviction a person may also report that it has been pardoned.

The states colored pale blue on the map are ones in which pardoning in recent years has been infrequent or rare, or uneven depending upon the inclinations of the incumbent governor. In none of the states in this last category may an ordinary person at present have a reasonable expectation of success, and in a few cases the power has been abused by late-term irregular grants that confirm popular suspicions about the corruptibility of the pardon power. Federal convictions, and convictions obtained in District of Columbia courts, may be pardoned only by the president. The number of presidential pardons granted in recent years is small compared to the number of applications that are filed each year, and there has been only one pardon granted to a D.C. Code offender in the past two decades.

More specific information about pardoning policies and procedures in each state is available in the 50-state chart from the Restoration of Rights Project at Appendix A.

JUDICIAL RECORD-CLOSING AUTHORITIES

The concept of expungement or sealing of a criminal record originated in the 1940s in specialized sentencing schemes for juvenile offenders, whose susceptibility to antisocial conduct was thought to be temporary and who were therefore considered "easier to rehabilitate than adults." The idea was to minimize the legal consequences of conviction and give youthful offenders "an incentive to reform" by "removing the infamy of [their] social standing."[2] It was not long before the optimistic reformers of the age proposed extending this "clean slate" concept to adult offenders, authorizing courts to seal convictions and defendants to deny them. A different sort of "clean slate" approach was proposed by the drafters of the 1962 Model Penal Code, which authorized courts to vacate the record of conviction to signal a defendant's rehabilitation but expressly retained the record of conviction.

Laws limiting public access to criminal records have proliferated in the past five years, with more than 20 states expanding existing record-closing laws or enacting entirely new ones.

The debate between these two approaches to restoration continues to this day. Many states have embraced the cause of forgetting, apparently because many advocates do not trust decision-makers to be fair and rational where criminal records are concerned. Others, influenced by national law reform proposals, prefer a more transparent form of restoration. See the section on certificates of relief that follows.

Laws limiting public access to criminal records have proliferated in the past five years, with more than 20 states expanding existing record-closing laws or enacting entirely new ones. In 2017 alone, Illinois, Montana and New York enacted expansive new sealing schemes applicable to adult convictions, while nine other states either relaxed eligibility requirements or otherwise supplemented their existing sealing or expungement authorities to make relief more broadly available at an earlier date. Of these nine, the most ambitious reforms were enacted by Nevada, which was one of several states that created a presumption in favor of relief for eligible persons.[3]

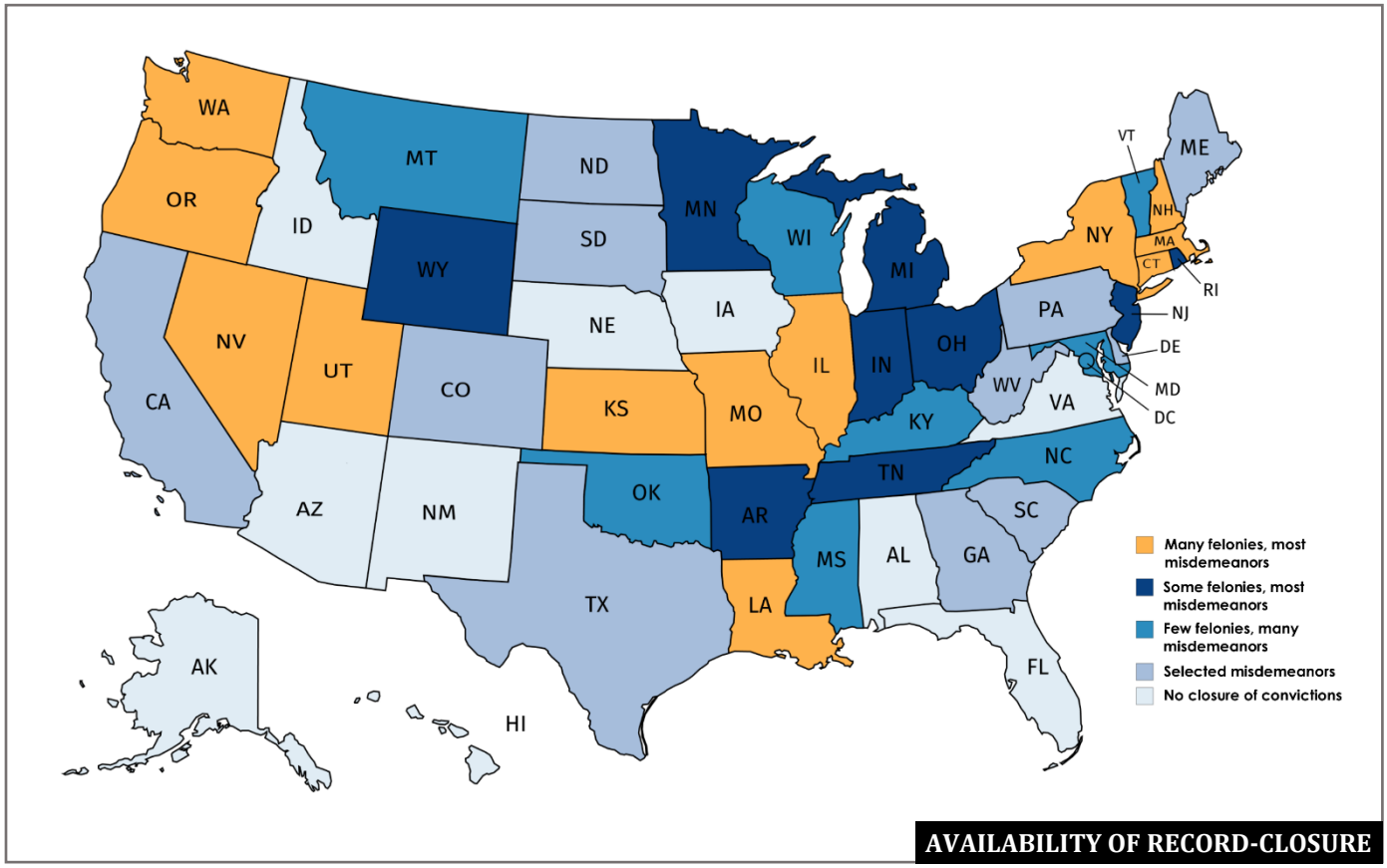
But record-closing laws differ widely from state to state, in scope (including eligibility criteria and waiting periods), legal effect, standards and procedures. The following discussion is therefore necessarily general, and readers wishing more specific information are invited to consult the individual state summaries and 50-state chart that follows in this report, and the more detailed information in the state profiles of relief mechanisms from the Restoration of Rights Project (http://restoration.ccresourcecenter.org).

Scope & eligibility

The map on the following page organizes state record-closing laws into categories according to the scope of covered offenses. It is important to note that assignment to specific color-coded categories is an imperfect grading system, because it does not factor in eligibility criteria such as prior record and waiting periods, accessibility of the process, or thoroughness of relief. Thus, for example, a state like Louisiana was included in the "gold" category only because of the number of offenses that are eligible for expungement in that state, and its 10-year eligibility waiting period and limited effect would seem to make its relief less comprehensive than what is offered by Indiana and Minnesota. At the same time, Indiana's broad and accessible "expungement" scheme merits no more than a "dark blue" grade because it limits record-closing ("sealing") to relatively minor offense categories. It is easy to see how making assignments to specific categories was an exercise that frequently felt like pounding square pegs into round holes. With that caveat, we summarize the research underlying the map categories.

Closure of at least some adult conviction records is authorized in all but nine states, but scope ranges widely.

Closure of at least some adult conviction records is authorized in all but nine states, but scope ranges widely. At one extreme is Illinois's recently expanded sealing law, which extends relief to all but a few very serious felonies without regard to an applicant's prior record, after a uniformly brief waiting period of three years. At the other end of the spectrum is California's



AVAILABILITY OF RECORD-CLOSURE

very limited closure for underage first offender misdemeanors and certain marijuana offenses (including those that have been decriminalized). (California also makes available more transparent judicial and administrative relief, which is discussed more fully in later sections of this report.)

Between these two extremes, there are as many differing approaches as there are states, with scope generally dependent on seriousness of the offense, and eligibility generally dependent on prior record and the passage of time since completion of sentence. For example, in New York and Oregon, closure is available for most felonies but only if it is the person's only serious offense. Indiana's law extends judicial relief styled "expungement" to all but the most serious violent offenses after graduated waiting periods, but it limits public access to the record only for misdemeanors and minor felonies. Nevada now offers sealing for almost all felonies, the only proviso being a clean record during a graduated waiting period.

North Carolina and Kentucky authorize closure of most non-violent misdemeanors and low-level felonies, but only for those with no prior felony convictions. Missouri's new sealing law, which takes effect at the beginning of 2018, will permit closure of a significant number of felonies and misdemeanors, but only one felony and two misdemeanors will be eligible for closure in a person's lifetime. Michigan's recently expanded law is similar, as is Ohio's. Similarly, Rhode Island and Tennessee both amended their first-offender expungement authorities in 2017 to make relief available to individuals with more extensive records. But

many states make record-closing a one-bite affair: In Indiana and Illinois, for example, individuals may seek sealing relief for multiple prior eligible offenses, but may not return for further relief if they are again convicted.

Eligibility is not always categorical: Maryland limits closure to a long list of over 100 misdemeanors, while Minnesota limits felony sealing to a list of 50 offenses ranging from aggravated forgery to livestock theft. Eligibility criteria are sometimes curiously complex. For example, in Oregon closure is available for many non-violent misdemeanors and less serious felonies, but only if the individual has not been convicted in the previous 10 years (or ever, if the record for which closure is sought is a Class B felony) nor arrested within the previous three years.

Eligibility waiting periods may be uniform or graduated, short or long. No two states are alike. Many have waiting periods of a decade or more, which would seem in tension with stated legislative goals of reducing recidivism. For example, by the time someone has satisfied Louisiana's waiting period of 10 crime-free years after completion of sentence, they would appear to be in little or no jeopardy of reoffending. Massachusetts, New York, North Carolina and other states have similarly long eligibility waiting periods.

Many states have waiting periods of over a decade, which would seem inconsistent with stated legislative goals of reducing recidivism.

As noted in the previous section, several of the states where executive pardon is generally available make pardon grounds for automatic expungement. However, only Connecticut's pardon system is recognized with a "gold" designation on the color-coded record-closing map, since only that state makes "erasure" of the court record widely available by action of an administrative board. By the same token, the color categories assigned Arkansas, Pennsylvania, and South Dakota may to some extent understate the availability of record-closure in those states.

Effect of expungement or sealing

Terminology is an unreliable guide to what laws accomplish as a practical matter, since words like "sealing" and "expungement" have no fixed meaning, and are interpreted and applied differently from state to state.[4] In some states sealed records may be closed only to private parties, in others public employers and licensing boards may also be denied access, and in still others, records may no longer be available even to law enforcement without a court order. In some states "expungement" is indistinguishable from sealing (*e.g.,* Louisiana, Kansas, Rhode Island and Vermont), and in others expunged records are physically destroyed (*e.g.,* Maryland, Montana, Pennsylvania, North Carolina). In Indiana, an expungement order does not limit

public access to the record of most felonies, although expunged misdemeanors and non-conviction records are also sealed. Even in states where expunged records are physically destroyed, traces may remain in a court's index. Sealed records typically remain available only to law enforcement, at least without a court order,

In Indiana, commercial record providers are prohibited from reporting closed convictions, supplementing protections afforded by the Federal Fair Credit Reporting Act. Colorado is one of several jurisdictions that prohibit closed records from being introduced as evidence in civil actions brought against employers and/or landlords for the actions of their employees/renters.

The effect of sealing or expungement orders on legally restricted opportunities is unclear in many states. It is true that many record-closing laws purport to authorize a person to deny having been convicted, but this is perilous advice when dealing with entities required by law to conduct a background check. A few states make clear that expunged or sealed convictions must be disclosed for employment requiring a background check (e.g., Illinois, Indiana, New York). Kansas specifically requires disclosure of expunged convictions in certain licensing and public employment applications (health, security, gaming, commercial driver or guide, investment adviser, law enforcement), and Missouri has a similar disclosure requirement for professional licenses, or any employment relating to alcoholic beverages, the state-operated lottery, or provision of emergency services. Missouri's law is one of the few that makes clear that "an expunged offense shall not be grounds for automatic disqualification of an application, but may be a factor for denying employment, or a professional license, certificate, or permit." Some states require that even non-conviction records that have been expunged must be disclosed in some contexts (e.g., Alabama, Kansas, Louisiana)

Record-closing relief can rarely promise an entirely clean slate, particularly where felony convictions are concerned.

In sum, quite apart from the risk of exposure by technology or social media or industrious background-checkers, record-closing relief can rarely promise an entirely clean slate, particularly where felony convictions are concerned.

Process

Procedures for closing a record also vary widely, and may or may not offer prosecutors or victims an opportunity to object. Relief for eligible applicants may be automatic, presumed, or dependent on the court's discretion. In some cases, the law specifies criteria to guide a court's discretion (e.g., Minnesota and New Hampshire), in others the court's discretion is unlimited (e.g., New Jersey and North Carolina), and in still others sealing is mandatory if statutory

eligibility criteria are met (e.g., Indiana, Kentucky, Louisiana). In Utah, where most felonies may be expunged after a graduated waiting period, an order must issue unless the court finds that this would be "contrary to the public interest." In a few states filing fees may be prohibitively high for persons of limited means (approaching $500 in Kentucky), while in others the courts and bar have gone out of their way to assist persons of limited means. For example, Indiana's courts publish model forms for different types of case, and provide information about where those seeking relief may obtain the assistance of a pro bono lawyer.

Non-conviction and juvenile records

Almost all states authorize sealing or expungement where no conviction results, whether because of acquittal, reversal, or dismissal of charges. Only three states (Arizona, Idaho and Wisconsin) make no general provision for limiting public access to any non-conviction records. In some states (e.g., Illinois, New Jersey and New York) the record is sealed routinely upon final disposition of the case without the need for a separate court proceeding, while in others (e.g., Nebraska) sealing happens after a brief waiting period in which an individual is expected to be crime-free. In many states, arrest records not resulting in charges must be sealed or expunged after a short waiting period.

Only three states make no general provision for closing non-conviction records.

Still, a distressingly large number of states require individuals who have been charged but not convicted of any crime to go to court to argue the case for clearing their record. A subset of these states restrict relief to individuals with a limited prior record (e.g., Florida, North Carolina, Oklahoma, Rhode Island), or to specific types of non-conviction records (e.g., Alaska, New Mexico). The 50-state comparison chart from the Restoration of Rights Project offers a quick reference guide to which states require a full-blown judicial proceeding before a non-conviction record is expunged, including some that make relief in such cases discretionary with the court, or dependent upon the concurrence of the prosecution. See Appendix B. The filing fees associated with going to court are alone enough to deter those of limited means, and most states do not provide counsel.

Deferred adjudication schemes may also result in dismissal of charges and record-sealing upon successful completion of a period of probation. Because their importance in enabling charged individuals to avoid a conviction record, they are discussed in detail in the following section.

All states provide for judicial sealing or expungement of at least some juvenile adjudication records, applying procedures and standards that tend to be more favorable to affected individuals than those applicable to adult records. Many states also place general limits on

public disclosure of juvenile records apart from any action by a court. Some states make sealing relief automatic and mandatory except for serious violent offenses,[5] but most make sealing discretionary with the court. Some states require a crime-free waiting period, and a few require the court to make a finding of rehabilitation. There is significant variation in how expungement and sealing of juvenile records is handled even among neighboring states. For example, while Montana and Nevada automatically seal most juvenile records when the subject reaches age 18 or 21, respectively, South Dakota and Wyoming permit sealing/expungement only upon petition, and only after the court makes a finding of rehabilitation. Similarly, Illinois, Virginia and West Virginia make expungement of most juvenile records automatic, while South Carolina and Georgia require the court to make a finding of rehabilitation before sealing a juvenile's record.[6]

Judicial dismissal of charges without record-sealing

Before leaving discussion of judicial record-closing laws we note several states that authorize their courts to dismiss charges or set aside (vacate) the record of conviction, avoiding the consequences of conviction without sealing or otherwise limiting public access to the record. Arizona, California and Nebraska are the main states in this small category. (New Hampshire, Oregon and Washington have recently added record-sealing to their venerable set-aside schemes.) West Virginia enacted a set-aside authority in 2017, joining California, Idaho, and North Dakota in offering a process by which minor felonies may be reduced to misdemeanors, but (like the other three states mentioned) offering no sealing of the record in those cases. California limits use of a conviction that has been dismissed or set aside by employers and licensing boards, and Indiana also limits use and reporting of serious offenses that have been the subject of an order styled "expungement" that does not seal the record.

As discussed in the next section, some of the states that authorize deferred adjudication leading to dismissal of charges provide for sealing or expungement of the record, and some do not.

Appendix B contains a 50-state comparison of the laws authorizing expungement, sealing and set-aside in each state from the Restoration of Rights Project, and should be consulted for additional detail.

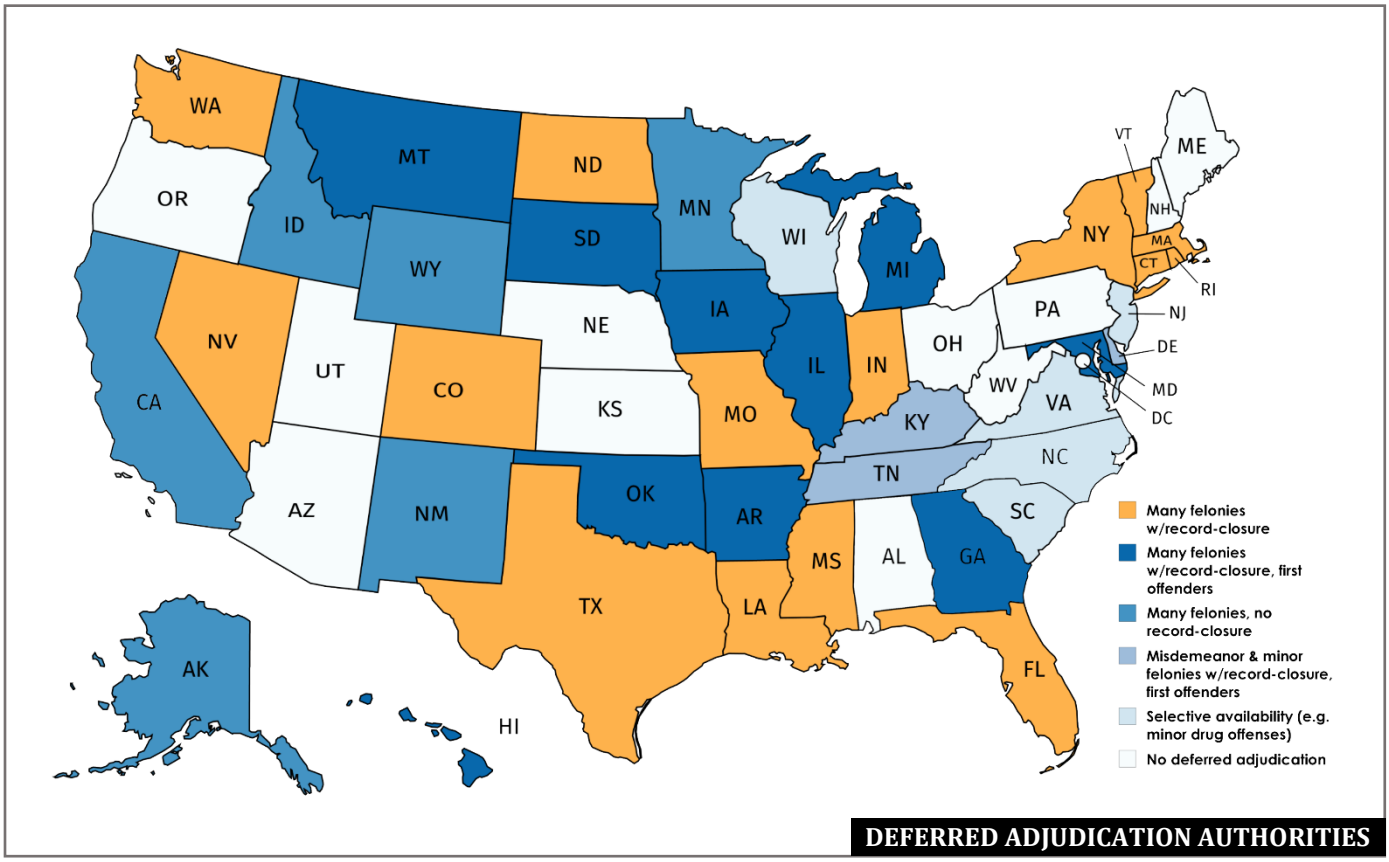
DEFERRED ADJUDICATION

Deferred adjudication (or deferred sentencing) is a statutory judicial mechanism that allows individuals to avoid the collateral consequences of a conviction at the front end of the criminal process by giving them an opportunity to avoid conviction altogether. Deferred adjudication, which is generally managed by the court, is distinguished from pure diversion, which is generally controlled entirely by the prosecutor. In most states, an individual must first enter a guilty plea, after which the court continues the case without entering a judgement of conviction, while the individual serves a period of probation or supervision. Upon successful completion of probation or supervision, the charges are dismissed and, in most states, the record may then be sealed or expunged.

As the map on the following page indicates, deferred adjudication is available in at least some cases in all but 13 states.[7] And, in almost all states that make deferred adjudication available for a significant number of offenses, closure of the record of charges/arrest is available upon successful completion of the required process. Deferred adjudication schemes originated in the 1970s as a way of avoiding collateral consequences, and the recently revised sentencing articles of the Model Penal Code contain a specific proposal for deferred adjudication that does not require a defendant to enter a guilty plea.[8]

Eligibility for deferred adjudication is generally based on the type of offense and on an individual's criminal history. This disposition is generally not available for particularly serious offenses since it requires admission of guilt and, in most states, a relatively brief period of probation or supervision. However, as with conviction record-closing mechanisms discussed in the preceding section, eligibility varies greatly among states.

Fifteen states (gold on the map), including New York, Texas, and Washington, make deferred adjudication available, with record closure, for most misdemeanors and significant number of felonies, even to individuals who have been previously convicted. Nine other states (dark blue), including Illinois, Michigan, and Maryland, make deferred adjudication with record closure available for a similarly broad class of offenses, but restrict eligibility to first felony offenders. Six states (medium blue), including Georgia, Minnesota, and New Mexico, authorize deferred adjudication for many felonies and misdemeanors, but make no provision for sealing the record. California is included in this group based on its deferred sentencing in "wobbler" cases. The remaining eight states either restrict eligibility to minor offenses (light blue), or to a narrow subset of offenses (pale blue) – usually drug offenses, as is the case in New Jersey, North Carolina, South Carolina, and Virginia. Many states seeking to manage collateral consequences have expanded their provisions for deferred adjudication and deferred sentencing in recent years.[9]



Further information about deferred adjudication procedures and eligibility can be found in the state summaries in this report. More detailed information about applicable procedures and eligibility can be found in the state-by-state profiles in the Restoration of Rights Project (http://restoration.ccresourcecenter.org). These profiles also identify other judicially-managed drug treatment or other limited purpose courts (e.g., veterans, mental health) that promise avoidance of a criminal record upon successful completion of the program. Because diversion typically does not involve the court and is rarely controlled by statute, it is not captured in these resources.

CERTIFICATES OF RELIEF

A growing number of states authorize their courts to issue orders or "certificates" that avoid or mitigate collateral consequences and provide some reassurance about a person's rehabilitation. New York's certificate scheme is the oldest, dating from the 1940s, and its "Certificates of Relief from Disabilities" and "Certificates of Good Conduct" have the most far-reaching legal effect when coupled with that state's nondiscrimination laws. Other states have more recently adopted a wide variety of other names for similar judicial certificates, but all are in the forgiving or dispensing tradition of executive pardon. They should be distinguished from more limited executive or judicial orders restoring voting and other civil rights, including firearms rights. Unlike the record-closing authorities discussed earlier in this report, these "certificates of relief" do not remove information from a person's criminal history or limit public access to the record, but aim instead "to confront history squarely with evidence of change."[10]

Certificates of relief do not remove information from a person's criminal history or limit public access to the record, but aim instead "to confront history squarely with evidence of change."

Certificates of relief that directly limit the application of collateral consequences to their recipients are now available from the courts in ten states, and from administrative agencies in a handful of others (notably Connecticut and Rhode Island). That number appears to be growing, however, and certificate mechanisms have recently been proposed by the Uniform Law Commission, and by the American Law Institute in the revised sentencing articles of the Model Penal Code. These national law reform proposals include a limited order of relief at sentencing to aid reentry, and more comprehensive relief after a waiting period to recognize and reward rehabilitation. Neither proposal provides for sealing or otherwise limiting public access to the record.[11]

All certificates of relief have the effect of converting mandatory collateral consequences (automatic disqualifications imposed by law) into discretionary ones, giving decision-makers discretion to grant opportunities and benefits to individuals who would otherwise be barred from them by law. Some states go further to require that certificates be given weight in the discretionary decision-making process. In Ohio, for example, a "Certificate of Qualification for Employment" creates a "rebuttable presumption that the person's criminal convictions are insufficient evidence that the person is unfit for the license, employment opportunity, or certification in question."

Certificates are generally effective at relieving a range of occupational and business licensing consequences, and they may also relieve mandatory bars to public and private employment.

Certificates are generally effective at relieving a range of occupational and business licensing consequences, and they may also relieve mandatory bars to public and private employment, as is the case in Illinois, New York, North Carolina and Vermont. A few certificates carve out exceptions for specific consequences, particularly those that relate to licensing and employment in sensitive occupations. For example, Washington's "Certificate of Restoration of Opportunity" does not provide licensing relief for nurses and physicians, private investigators, teachers, or law enforcement personnel, among others. Illinois' "Certificate of Relief from Disabilities" authorizes relief only in 27 licensed fields. California's "Certificate of Rehabilitation" limits consideration of felony convictions by licensing boards, relieves the obligation to register as a sex offender, and constitutes the first step in the executive pardon process.

Certificates may also provide relief from informal privately-imposed consequences by evidencing rehabilitation or, in the case of New York, creating an enforceable presumption of rehabilitation under the state's Human Rights Law. Some certificates accomplish this by limiting an employer's liability in negligent hiring actions. In Ohio, North Carolina and Vermont, for example, reliance on a certificate creates a presumption of due care in hiring; in Illinois and Tennessee, reliance is a complete defense to liability. In Ohio, protections may also extend to other similar forms of liability like negligent renting or admission to an educational program.

Most certificate laws include an eligibility waiting period, presumably to give individuals time to establish rehabilitation, but a few states make limited relief available as early as sentencing to assist with reentry. Colorado, New Jersey, New York, and Vermont fall into this category. Colorado is the only state whose "Order of Collateral Relief" does not seem intended to evidence rehabilitation, authorizing sentencing courts to lift certain mandatory bars in the case of defendants not sentenced to prison to facilitate their reentry. Somewhat anomalously, the certificates in New Jersey and New York evidence rehabilitation even when issued as early as sentencing, but Vermont requires beneficiaries of an early order to return to court for more complete relief after a further waiting period.

Like record-closure, eligibility for a certificate of relief generally depends on three factors: 1) the nature of the conviction for which relief is sought; 2) the passage of time since conviction or completion of sentence; and 3) prior and subsequent conviction history. However, certificates are usually available for a broader category of offense than is eligible for sealing or

expungement, and after a shorter waiting period, making them presumptively a better aid to reentry than most record closure mechanisms. In North Carolina, for example, a certificate is available for more felony offenses after a significantly shorter waiting period (one year for a certificate vs. five to ten years for expungement). In Illinois, New Jersey, and New York, a court may issue a certificate as early as sentencing, or at any time thereafter.

Certificates are usually available for a broader class of offenses than record closure, and after a shorter waiting period, making them a better aid to reentry.

State residents with federal and out-of-state convictions are eligible for certificates in Connecticut, Illinois, New York, Rhode Island, Tennessee, and Vermont, but not in California, Colorado, New Jersey, North Carolina, Ohio, or Washington. Some states require applicants convicted in more than one county to file multiple applications, but others (notably Ohio) permit consolidation of all convictions in one court.

Most states make certificates available only to people with less serious criminal histories. In Washington, for example, certificates are only available to individuals with no subsequent convictions who have not been convicted at any time of a Class A felony, certain sex offenses, and a handful of other serious felonies. Colorado limits certificates to individuals sentenced to community corrections, while North Carolina and Rhode Island limit certificates to those convicted of minor nonviolent crimes.

Issuance of a certificate is entirely discretionary in all states except Washington, and an otherwise eligible petitioner may be denied relief if the court does not make the necessary findings, sometimes weighing the applicant's need for relief against the public welfare. Moreover, the scope of relief granted in any specific case is generally up to the court: a certificate may be unlimited in scope (subject only to legally established limits), or it may provide relief only from those consequences specified in the certificate itself. This allows the court to tailor the scope of relief to each petitioner and his or her specific circumstances, including employment, licensing, or other objectives. Most states authorize revocation of the certificate if the person reoffends.

FAIR EMPLOYMENT & LICENSING LAWS

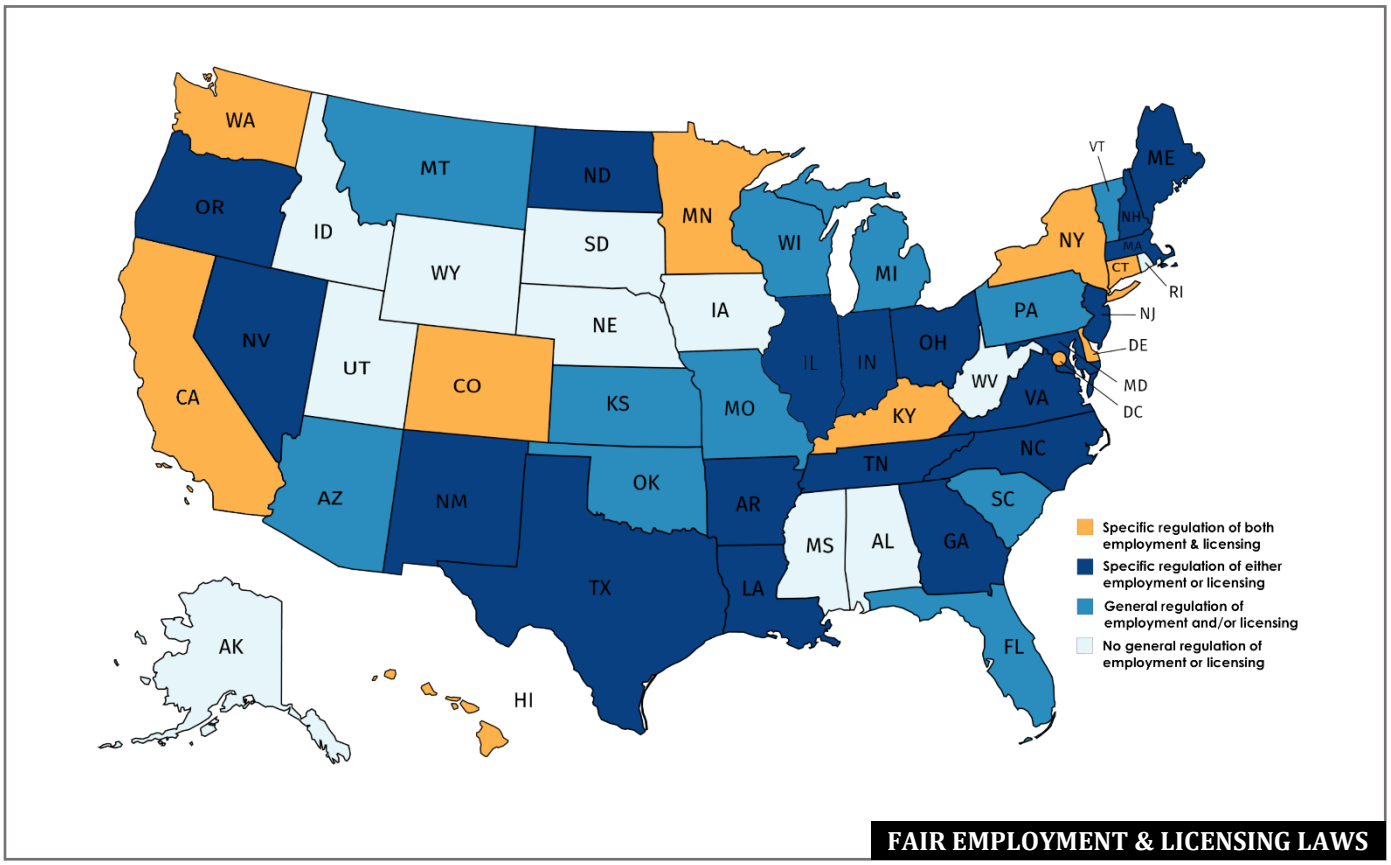
States are increasingly directing attention to the employment barriers facing people with criminal records in the age of computer-generated criminal background checks. Sometimes barriers are formalized in law, but more often they are informal, the result of employer aversion to risk. Licensing agencies may also interpret vague "good moral character" standards to disqualify individuals with a conviction record without assessing factors such as rehabilitation. As evidenced by the map on the following page, most states now have at least some overarching law purporting to limit discrimination based on arrest or conviction in either employment or licensure, or both. While only a few states provide for administrative enforcement of these laws, the existence of standards for considering criminal records may encourage employers and licensing boards to make individualized determinations.

Laws regulating consideration of criminal record in employment and licensing usually do not depend upon individualized relief such as pardon or expungement. Rather, they rely on general standards to determine whether an individual is qualified for a specific job or license, general standards to determine whether an individual is qualified for a particular job or license, and procedures (such as written notice and appeals) to ensure the standards are observed.

For the most part, state laws regulating consideration of criminal record in employment apply only to public employment, and generally exclude certain categories like law enforcement employment or employment involving contact with vulnerable populations such as children and the disabled. Nondiscrimination laws in the District of Columbia and six states—California, Hawaii, Massachusetts, New York, Pennsylvania, and Wisconsin—apply to private employment as well.

Most states now have at least some overarching law purporting to limit discrimination in licensing or employment, but only a few provide for administrative enforcement

States typically have statutory prohibitions on considering criminal record in employment and licensing decisions unless there is some type of relationship—e.g., "direct," "substantial," "reasonable,"—between the record and the duties and responsibilities of the employment or license sought. States in the "general regulation" category (marked in lighter shades of blue on the map) have laws like this for either employment or licensing or both. Even states that cover licensing and employment decisions generally may exclude certain types of licenses or employment, such as jobs in law enforcement and health, and licenses working with vulnerable populations. And states with



no general regulation limiting consideration of arrest or conviction in licensing decisions may nonetheless have license-specific regulations on consideration of criminal record.

But more than half the states go beyond the general standard. Ten states and the District of Columbia (gold) have more specific regulations affecting both public employment and licensing decisions. Another 19 states (dark blue) specifically regulate either employment or licensing, though not both. Most commonly, states in these two top categories put teeth in the "relationship" standard by requiring employers and/or licensing authorities to consider specific enumerated factors before denying employment or refusing to grant a license based on conviction. These factors usually include nature and seriousness of offense; relationship between the offense and ability and capacity to perform the duties required of the position sought; time elapsed since commission of the offense; age of applicant at the time of offense; and efforts at rehabilitation since the offense.

In Hawaii, Minnesota, and New Mexico, a person determined to be "rehabilitated" may not be disqualified from employment or licensure even if their conviction is found to be directly related to the employment or license sought. In Minnesota, for example, even if a direct relationship is found, applicants may not be disqualified if they can demonstrate "sufficient rehabilitation and present fitness to perform the duties of the public employment sought or the occupation for which the license is sought." One year of law-abiding conduct and compliance with conditions of supervision is sufficient to demonstrate rehabilitation. North

Dakota has a similar scheme for licensure, allowing denial of a license only if, after considering several enumerated factors, "it is determined that such person has not been sufficiently rehabilitated, or that the offense has a direct bearing upon a person's ability to serve the public in the specific occupation, trade, or profession."

A few states go beyond the general relationship standard by prohibiting consideration of older convictions. In Washington, employers may only consider convictions that occurred within the last ten years (and only if the crime directly relates to the employment sought). In Maine, licensing agencies may only consider convictions within the last 3-10 years, depending on the license sought. In Massachusetts, misdemeanor convictions older than five years may not be considered in employment decisions. Hawaii applies a more stringent standard when considering convictions older than 10 years. Under a law enacted in 2018, Indiana licensing boards may not consider most convictions that are older than five years.

Several states in the "specific regulation" category also require employers or licensing boards to provide written reasons for a rejection based on criminal record, a process that can facilitate enforcement of the nondiscrimination laws. States with this requirement include Arkansas, Connecticut, Indiana, Illinois, Louisiana, Nevada, New Mexico, New York, North Dakota, Pennsylvania, and the District of Columbia. In Louisiana, a licensing entity "shall issue" an occupational or professional license to an "otherwise qualified" convicted person unless the conviction involves a felony that "directly relates to the position of employment sought, or to the specific occupation, trade or profession for which the license, permit or certificate is sought." Licensing boards in Indiana must "explicitly list" all disqualifying convictions, each one of which must "specifically and directly" relate to the duties and responsibilities of the occupation or profession.

While numerous states have statutory standards for considering arrest or conviction in employment and licensure, few incorporate regulatory enforcement mechanisms.

While numerous states have statutory standards for considering arrest or conviction in employment and/or licensure, only a few incorporate regulatory enforcement mechanisms. Hawaii, Massachusetts, New York, Wisconsin and, recently, California and Nevada fall into this category. Hawaii's law prohibiting consideration of conviction except in limited circumstances is enforced by the Hawaii Civil Rights Commission; New York's Human Rights Law makes it unlawful to deny employment or licensure based on a criminal conviction that is not "directly related" to the opportunity involved, and authorizes enforcement through the Division of Human Rights (or through civil action in public employment); Wisconsin's Fair Employment Act, which bars discrimination in employment and licensing decisions based on

a criminal conviction, is enforced by the Labor and Industry Review Commission. Massachusetts' Commission against Discrimination enforces laws that prohibit asking about or considering non-conviction records and misdemeanor convictions that are more than five years old.

It is noteworthy that states are focusing increasingly on setting enforceable standards for considering conviction in employment and occupational licensure. In June 2017, Nevada passed an expansive law limiting the extent to which public employers may consider a criminal conviction in employment decisions, setting forth specific standards for decision. The new law makes failure to comply with established procedures an unlawful employment practice and authorizes complaints to be filed with the Nevada Equal Rights Commission. Months later, in October of 2017, California enacted fair employment legislation applicable to both public and private employment that requires employers to conduct individualized assessments to determine whether a prior conviction has a "direct and adverse relationship with the specific duties of the job" before rejecting an applicant. California's law, which is enforceable by the state's Department of Fair Employment and Housing, also prohibits consideration of non-conviction records and convictions that have been sealed, dismissed or "statutorily eradicated."

Comprehensive enforcement schemes put employers and licensing authorities on notice that a decision to exclude based on criminal history cannot be arbitrary.

Occupational and professional licensing is another area that states have focused on to ensure that applicants are not being rejected without fair consideration of their job-related qualifications. In 2017 Illinois made substantial revisions to its licensing laws, and the following year Indiana followed suit. Both states now require agencies to identify specific crimes that are disqualifying, set standards for evaluating convictions, and limit the timeframe for considering conviction at all. Under Indiana's 2018 law, if a person is denied a license in whole or in part based on their conviction, the agency must make "written findings" for each of enumerated mitigating factors "by clear and convincing evidence sufficient for review by a court." Further, "[i]n an administrative hearing or civil action reviewing the denial of a license, a board, commission, or committee has the burden of proof on the question of whether the individual's criminal history directly relates to the occupation for which the license is sought." Indiana's new law applies not only to state agencies, but also to county and municipal entities that issue licenses.

Although there are many exceptions to these nondiscrimination requirements, and the "direct relationship" test has tended in most states to be interpreted in favor of the employer or

licensing authority, comprehensive enforcement schemes put employers and licensing authorities on notice that a decision to exclude based on criminal history cannot be arbitrary. The obligation to specify disqualifying convictions, and to report to the legislature on numbers of convicted people accepted or rejected, give agencies additional incentive to deal fairly with people with a criminal record.

Over and above the nondiscrimination laws discussed above, many states have enacted other laws designed to improve employment opportunities for people with criminal records. For example, most states (30) and the District of Columbia now have laws applicable to public employers that prohibit threshold inquiries into criminal history, and in some cases these laws apply to private employers as well. These so-called ban-the-box laws are designed to allow employers to consider an applicant's qualifications before they account for their criminal history. (The National Employment Law Project keeps track of these laws in a report that is periodically updated.)[12]

To the extent ban-the-box laws simply postpone consideration of criminal history until a later stage in the hiring process, they may not be a complete solution to the problem of employment discrimination. Ban-the-box laws are most effective where they are combined with substantive limitations on employer decisions that come into play at a later stage of the hiring process. It therefore seems significant that most of the states that have specific nondiscrimination standards (colored gold or dark blue on the map) also have ban-the-box laws.

Some states protect employers from negligent hiring liability, which is the primary reason cited by employers for not hiring someone with a criminal record. Frequently such protections are triggered when an employee or applicant for employment receives some form of individualized restoration of rights, such as a pardon or judicial sealing. But other states, like Colorado, Minnesota and New York, absolutely limit or prohibit the use of conviction evidence in a negligent hiring civil suit. Massachusetts protects employers so long as they have relied on information from the state's Criminal Offender Record Information System (CORI) and reached a decision within 90 days of receiving that information.

Appendix C contains a 50-state comparison of the laws regulating consideration of conviction in employment and licensing in each state and should be consulted for additional detail. The National Employment Law Project has also published a report that analyzes each state's licensing non-discrimination laws in detail.[13]

LOSS & RESTORATION OF VOTING RIGHTS

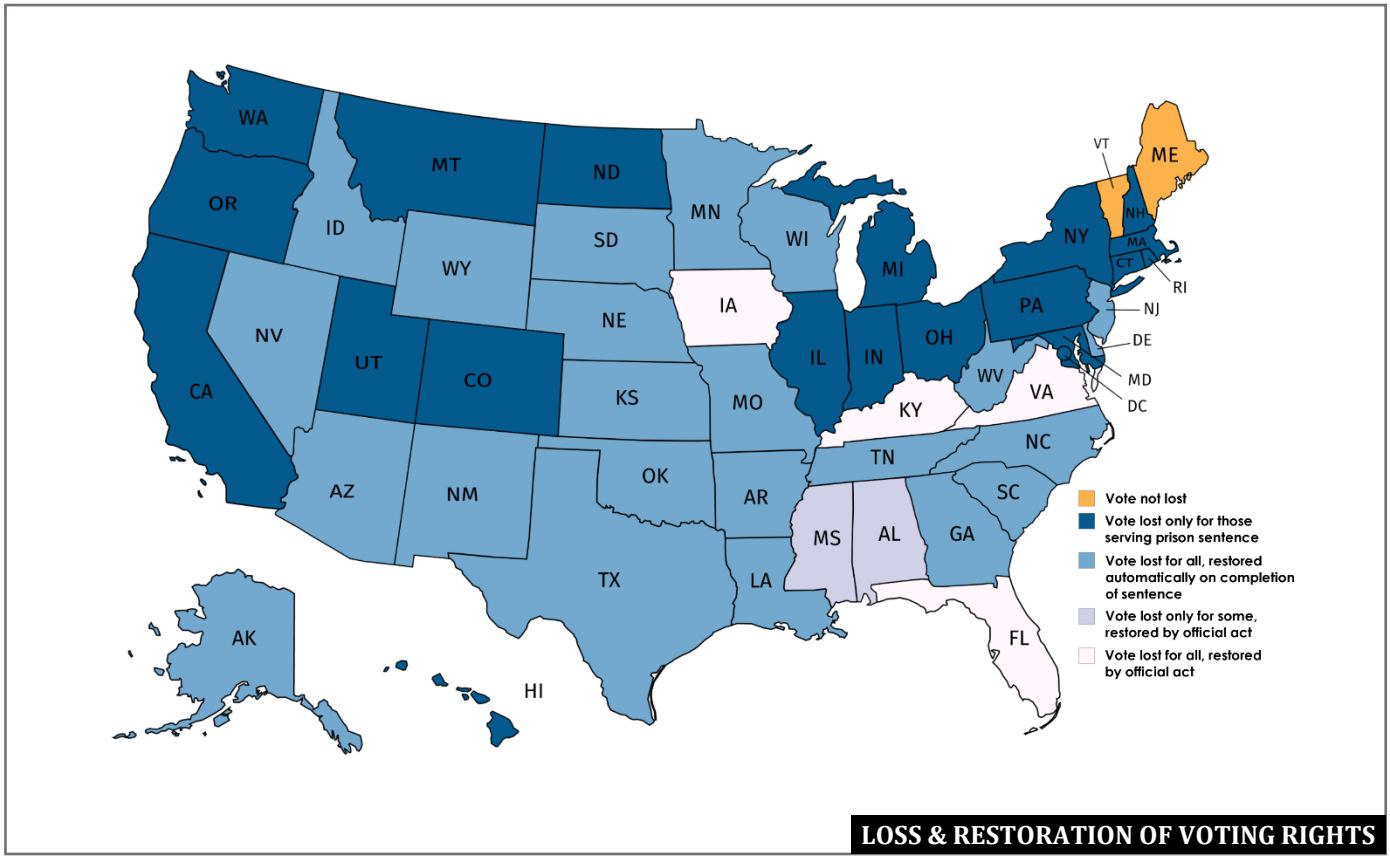
The map on the following page reflects national patterns of disenfranchisement based on a felony conviction. (The varied provisions for restoration of other civil rights and firearms rights are described in the state-by-state summaries that follow.) While most people know that Vermont and Maine allow even prisoners to vote, many are unaware that in 19 additional states and the District of Columbia, felony offenders do not lose their right to vote at all unless sentenced to a prison term. These states are indicated in dark blue on the map. In 15 of those 19 states and D.C., anyone may vote if they are not actually incarcerated. In California, Colorado, Connecticut, and New York, disenfranchisement of those sentenced to a prison term continues until completion of parole. (In these four states, federal offenders on supervised release may vote.)

In 21 states and the District of Columbia, felony offenders do not lose their right to vote unless sentenced to a prison term.

In 21 states (medium blue) the right to vote is restored automatically in most cases upon completion of a court-imposed sentence (or in Nebraska two years afterwards). In several of the states in this category restoration of voting rights is automatic only for first offenders (Arizona), or for less serious non-violent first offenders (Nevada and Wyoming), and others must seek restoration from a court or administrative board. In addition, several states in this category have special rules for people convicted of voter fraud, requiring them to seek a pardon before they are eligible to register.

In Alabama and Mississippi, only conviction of certain crimes results in disenfranchisement, and restoration is by pardon. In Alabama restoration is relatively easy, especially for first offenders, but in Mississippi it is exceedingly rare.

There are only four states in which felony offenders lose the right to vote permanently unless restored by executive action: Florida, Iowa, Kentucky, and Virginia. Generally, residents of these four states who were convicted in other jurisdictions are eligible for restoration of voting rights, and they may be able to vote if their rights were restored where they were convicted.



LOSS & RESTORATION OF VOTING RIGHTS

In Virginia, the present governor has made restoration of civil rights virtually automatic upon completion of sentence for those convicted of non-violent felonies. However, the state supreme court ruled that the governor may not, consistent with the state constitution, restore rights on a blanket basis by executive order. Those convicted of violent crimes must wait five years after discharge before applying for restoration.

Procedures for restoration in the other three states vary. In Iowa, felony offenders were restored automatically to the franchise by an executive order issued in 2005, but since 2011 they have been required to seek restoration from the governor on a case-by-case basis. Under current policy, a convicted person will be eligible for restoration of rights only upon satisfaction of fines, restitution, or other financial obligations stemming from the crime. In Kentucky, too, felony offenders must seek restoration by applying to the governor.

There are only four states in which felony offenders lose the right to vote permanently unless restored by executive action.

Florida currently imposes the stiffest bar to re-enfranchisement, and the current governor has imposed an in-person hearing requirement for many different categories of crime. The waiting time for restoration is lengthy even for cases not requiring a hearing, and thousands of individuals remain permanently disenfranchised in that state.

Details on loss and restoration of voting and other civil rights are available in the state summaries in this report, and in the more detailed state-by-state profiles in the Restoration of Rights Project (http://restoration.ccresourcecenter.org).

Conclusion

One of the most important and difficult challenges of the modern criminal justice system has been finding ways to avoid or mitigate the disabling effects of a criminal record, to enable affected individuals to reintegrate fully into their communities. This is not a new problem, but its human scale today is daunting. Law reformers and legislatures understand the need to meet this challenge, and in recent years have been reworking old solutions and devising new ones. Many of these modern-day restoration efforts have only recently been put in place, and the results of even longstanding relief schemes have not been studied. As evidenced by this report, there is not even consensus as to how best to approach the problem: is it more effective to "celebrat[e] the negotiation – or survival – of the perilous correctional experience," or to deny that it ever occurred?[14] Is one approach more suited than another for different types of records? Are there other more effective ways than case-by-case judicial or executive restoration to persuade the public to overlook the fact of a criminal record, or at least to apply fair and reasonable standards in considering it?[15] It is our goal in preparing this report to benefit the policy discussions now underway concerning these issues, and at the same time to inform the work of lawyers and other advocates working with affected individuals to obtain relief that will enable them to function effectively in their communities.

ENDNOTES

[1] One of the few empirical studies of the effectiveness of a specific relief mechanism tracked over an eleven-year period the employment status and annual income of 235 Californians who had had charges dismissed or their offense level reduced from felony to misdemeanor. *See* Jeffrey Selbin, *et al*., *Unmarked? Criminal Record Clearing and Employment Outcomes,* 108 J. CRIM. L. & CRIMINOLOGY No. 1 at 34 (2017). This study found a modest increase in the employment rate of those in the sample (most were already employed, albeit in low-wage jobs). More significantly, however, after three years their average real earnings had increased by roughly a third. Presumably this sort of empirical research may be particularly challenging to conduct where the purpose of relief is to eliminate evidence of the record, as the authors of a study of Michigan set-asides acknowledge. *See* Sonja Starr & J.J. Prescott, *Evaluating the Impact of Criminal Record Set-Aside Laws on Recidivism and Socioeconomic Outcomes,* http://ccresourcecenter.org/2018/02/27/michigan-set-asides-found-to-increase-wages-and-reduce-recidivism/#more-15868s. Starr and Prescot were able to use "deidentification" techniques to link individuals whose conviction records had been set-aside and sealed, with wage information from Michigan's unemployment insurance system.

[2] For historical background and citations, see Margaret Colgate Love, *Starting Over with a Clean Slate: In Praise of a Forgotten Section of the Model Penal Code*, 30 Fordham Urb. L.J. 1705, 1707-15 (2003).

[3] For an overview of "second chance" legislation enacted in 2017, see Collateral Consequences Resource Center, *Second Chance Reforms in 2017: Roundup of new expungement and restoration laws* (December 2017), available at http://ccresourcecenter.org/wp-content/uploads/2017/12/Second-Chance-Reforms-in-2017-CCRC-Dec-2017.pdf.

[4] Other terms used to designate record-closing are annulment (NH), erasure (CT), restriction (GA), non-disclosure (TX), withheld (AK). Most recently, Maryland enacted a new record-closing authority it calls "shielding." Authorities providing for the dismissal of charges or the set-aside of a conviction record may or may not be accompanied by a further authorization to seal the record. See section on record-closing laws.

[5] In 2017 alone, Colorado, Illinois and Texas enacted automatic juvenile records sealing authority. *See* Second Chance Reforms in 2017, *supra* note 3.

[6] The Juvenile Law Center has published two in-depth reports analyzing the juvenile record closure laws of each state. *See* Riya Saha Shah, Lauren Fine & Jamie Gullen, Juvenile Law Center, *Juvenile Records: A National Review of State Laws on Confidentiality, Sealing and Expungement* (2014); Riya Saha Shah, Lauren Fine, Juvenile Law Center, *Failed Policies, Forfeited Futures: A Nationwide Scorecard on Juvenile Records* (2014). Both reports are available

at http://juvenilerecords.jlc.org/juvenilerecords/#!/map. *See also* Joy Radice, *The Juvenile Record Myth,* 106 Geo. L. J. 365 (2018).

[7] A recent report from the United States Sentencing Commission (USSC) catalogues various programs managed by federal courts that are geared to avoiding a prison sentence. *See Federal Alternative-to-Incarceration Court Programs* (September 2017), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170928_alternatives.pdf. This report describes generally analogous state problem-solving court programs, but does not focus on statutory deferred adjudication options aimed at avoiding conviction and generally leading to expungement of the record. Perhaps because federal law contains only one narrow authority for deferred adjudication (18 U.S.C. § 3607, sometimes referred to as the Federal First Offender Act), the USSC report does not address non-incarceration outcomes that avoid a conviction record. Curiously, it does not suggest the potential usefulness of such outcomes in reducing recidivism, or proposed further study of these issues. Notably, such a study has been suggested on several occasions by the Practitioner's Advisory Group to the USSC.

[8] *See* § 6.02B, Model Penal Code: Sentencing, Proposed Final Draft (April 2017).

[9] *See* Collateral Consequences Resource Center, *Four Years of Second Chance Reforms, 2013-2016* (2017), available at http://ccresourcecenter.org/wp-content/uploads/2017/02/4-YEARS-OF-SECOND-CHANCE-REFORMS-CCRC.pdf.

[10] Love, *supra* note 1 at 1713. *See also* Jeremy Travis, *Invisible Punishment: An Instrument of Social Exclusion*, in INVISIBLE PUNISHMENT: THE SOCIAL COSTS OF MASS IMPRISONMENT 36 (Meda Chesney-Lind & Marc Mauer eds., 2002) ("We need to find concrete ways to reaccept and reembrace offenders who have paid their debt for their offense.").

[11] *See* Uniform Collateral Consequences of Conviction Act, §§ 10 and 11 (2010), http://www.uniformlaws.org/Act.aspx?title=Collateral%20Consequences%20of%20Conviction%20Act; Model Penal Code: Sentencing, Proposed Final Draft, §§ 6x.01 through 6x.06 (April 2017), available at http://ccresourcecenter.org/wp-content/uploads/2015/10/article-6x.pdf. The American Bar Association's Criminal Justice Standards for Collateral Sanctions and Discretionary Disqualification proposed a similar two-step process for restoration. See ABA Standards for Criminal Justice, Collateral Sanctions and Discretionary Disqualification of Convicted Persons, Standard 19-2.5 ("Waiver, Modification, Relief") (3d ed. 2004). Each of these schemes is intended to provide individuals both incentive and reward for rehabilitation, and satisfy the community's need for a ritual of reconciliation.

[12] National Employment Law Project, *Ban the Box: U.S. Cities, Counties, and States Adopt Fair Hiring Policies* (2017), *available at* http://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide.

[13] National Employment Law Project, *Unlicensed and Untapped: Removing Barriers to State Occupational Licenses for People with Criminal Records* (2016), *available at* http://www.nelp.org/publication/unlicensed-untapped-removing-barriers-state-occupational-licenses.

[14] Bernard Kogon & Donald L. Loughery Jr., *Sealing and Expungement of Criminal Records—The Big Lie*, 61 J. CRIM. L. CRIMINOLOGY & POLICE SCI. 378, 390 (1970).

[15] For a sampling of proposals for neutralizing the exclusionary effect of a criminal record, see Alessandro Corda, *More Justice and Less Harm: Reinventing Access to Criminal History Records*, 60 HOWARD L. J. 1, 3 (2016)("the stigma that public access and dissemination entail must be reinvented as an ancillary criminal sanction that is ordered at sentencing, if at all, for a limited time as a deserved supplement to criminal sanctions imposed"); James Jacobs, THE ETERNAL CRIMINAL RECORD 314 (Harvard U. Press 2015) ("We should not minimize the influence that public policy could have if government demonstrated willingness to employ ex-offenders and otherwise eliminate mandatory disabilities imposed on them."); Nora V. Demleitner, *Preventing Internal Exile: The Need for Restrictions on Collateral Sentencing Consequences*, 11 STAN. L. & POL'Y REV. 153, 162 (1999) ("ex-offenders should have access to a ceremony marking their official reintegration into the community and the end of their exclusion and degradation.").

SUMMARY OF STATE RESTORATION MECHANISMS

The following summaries are re-published from the Restoration of Rights Project (RRP), which is available online at http://restoration.ccresourcecenter.org. In addition to these brief summaries, the RRP contains up-to-date in-depth profiles of the law and policy in each state, complete with statutory and regulatory citations, caselaw references, and links to additional resources. Links to these state profiles follow each summary.

FEDERAL

Loss & restoration of civil rights: Vote depends on state law for both state and federal offenders. Federal jury eligibility is lost upon conviction in state or federal court of a crime punishable by more than one year if a person's "civil rights have not been restored." The Constitution does not prevent individuals from holding federal office after conviction of any crime. Most states that do not restore the right to vote automatically give federal offenders access to their restoration procedures. Jury eligibility is only restored upon an affirmative act, such as pardon or expungement.

Firearms rights: Persons with convictions in any court of a crime punishable by imprisonment for a term exceeding one year are subject to the prohibition on possession of firearms under federal law, as are persons convicted of domestic violence offenses; restoration by presidential pardon only for federal offenders; restoration for state offenders under 18 U.S.C. §§ 921(a)(20) & (33) (defining triggering offense) or 18 U.S.C. § 925 (ATF relief). (Section 925 has not been funded since 1990.)

Pardon policy & practice: President decides; no reporting or notice requirement. By policy, eligibility five years after sentence or release from confinement. No public hearing, paper record review, unlimited time. Relieves all legal disabilities but does not expunge. Pardons infrequent and irregular since 1990.

Judicial expungement & sealing: No federal expungement, except where arrest or conviction invalid or subject to clerical error. Deferred adjudication and expungement for first misdemeanor drug possession if under age 21 at time of offense.

Consideration of conviction in employment and licensing: Only limitation found in Title VII of the Civil Rights Act, barring employment discrimination on grounds of race, national origin, gender, etc.

Read the Full Profile Online

ALABAMA

Loss & restoration of civil rights: All civil rights lost upon conviction of any "felony involving moral turpitude," defined for purposes of voting as 47 enumerated offenses. Vote restored by Board of Pardons and Parole by expedited administrative process upon completion of sentence, or by pardon for violent and sex offenses; jury and office eligibility restored only by pardon. Federal and out-of-state offenders are eligible to apply for restoration of rights.

Firearms rights: Handgun rights lost upon conviction of "crime of violence;" restored by pardon.

Pardon policy & practice: Independent board appointed by governor exercises pardon power except in capital cases; board must make annual report to governor. Eligibility upon completion of sentence. Application a simple form filed with local probation office that is "intended to facilitate application by individuals who lack formal education." Federal and out-of-state offenders may apply. Public hearing required, with reasons given; separate paper procedure for restoration of rights. Pardon process takes about one year. 500 full pardons each year, plus more than 2000 rights restorations.

Judicial expungement & sealing: No authority to expunge or seal adult convictions. Records of most delinquency adjudications sealed two years after final discharge.

Expungement of non-conviction records of non-violent felony and misdemeanor charges, including cases where charges were dismissed after successful completion of a drug court program, mental health court program, diversion program or veteran's court program. There is an administrative fee of $300, and if the prosecutor or victim object a hearing shall be held. Felony charges (including violent) resulting in acquittal may also be expunged. Proceedings expunged "shall be deemed never to have occurred," except that they must be disclosed to any government regulatory or licensing agency, any utility and its agents and affiliates, or any bank or other financial institution.

Consideration of conviction in employment and licensing: No general law regulating consideration of conviction, though a direct relationship test is applied to some licenses.

Read the Full Profile Online

ALASKA

Loss & restoration of civil rights: Right to vote and serve on jury lost upon conviction of any felony, and restored upon completion of sentence. Any bar to office linked to voting right also removed.

Firearms rights: A felony offender may not possess a concealable weapon for 10 years following discharge (rights lost permanently if offense is one against the person), unless conviction set aside or pardoned.

Pardon policy & practice: Governor decides; must consult parole board, but board's advice not binding. No public hearing; parole board staff investigates, consults with DA and court, and prepares confidential recommendation to governor. Only three pardons since 1995. The clemency program has been "under review" and not functioning since 2009.

Judicial expungement & sealing: No provision for expungement of adult convictions. Most juvenile records sealed within 30 days of 18th birthday, or five years after completion of sentence if charged as an adult.

Deferred sentencing and set-aside for certain offenses does not include expungement, but a 2016 law prohibits the state from publishing online the records of such cases. Non-conviction records are generally unavailable to the public without the consent of the subject of the record. However, no sealing of non-conviction records unless mistaken identity or false accusation proven beyond reasonable doubt.

Consideration of conviction in employment and licensing: No general law regulating consideration of conviction. Direct relationship test applied in disciplinary action for medical and nursing licensees.

Read the Full Profile Online

ARIZONA

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony. Civil rights restored automatically for first-time offenders upon completion of sentence; those convicted of two or more felonies may regain rights only through judicial set-aside or pardon. Federal offenders are eligible for relief, but those convicted in other states are not.

Firearms rights: All firearms rights lost upon conviction of any felony; may be restored by court on sliding timetable depending on seriousness of offense. First offenders eligible upon release from probation, or two years after release from prison. Those convicted of "serious" offenses must wait ten years. Those convicted of "dangerous" offenses may regain rights only through pardon.

Pardon policy & practice: Governor decides but may not act without affirmative recommendation of clemency board; governor must report pardons, with reasons, to the legislature. Public hearing; publication of board recommendation to governor, with reasons. Pardon relieves legal consequences of conviction, but conviction must still be reported. Pardons increasingly rare since 1990; Gov. Brewer issued 12 pardons in her six years in office, all in her last month in office. Governor Doug Ducey has issued no pardons to date.

Judicial expungement & sealing: "Set-aside" available from the sentencing court to state offenders upon discharge for all but violent and sex offenses; relieves collateral consequences, but conviction must be disclosed and serves as predicate offense. Juvenile adjudications may be set aside upon reaching 18 years of age and discharge from sentence, except for serious violent offenses; remain predicate offense.

Non-conviction records may not be sealed or expunged, but may be amended to note that a person has been cleared of any arrests or indictments that did not lead to conviction.

Consideration of conviction in employment and licensing: A person may not be disqualified from public employment "solely because of a prior conviction for a felony or misdemeanor," nor may a person "whose civil rights have been restored" be disqualified from an occupation for which a license is required "solely because of" a prior conviction. Disqualification from public employment or licensure only if "the offense has a reasonable relationship to the functions of the employment or occupation for which the license, permit or certificate is sought."

Read the Full Profile Online

ARKANSAS

Loss & restoration of civil rights: Vote and jury eligibility lost upon conviction of any felony; office eligibility lost upon any malfeasance in office. Vote restored by completion of sentence; jury eligibility restored by pardon; office eligibility restored by expungement.

Firearms rights: All firearms rights lost upon any felony conviction; restored by pardon.

Pardon policy & practice: Governor decides, but must consult parole board, whose recommendation is not binding; governor must report to legislature on all grants, with reasons. Board and governor must each give 30 days' public notice of intention to recommend or grant, respectively, with reasons. Relieves legal disabilities and is grounds for automatic expungement; pardoned conviction may not serve as predicate or to enhance sentence. Firearms rights must be restored separately. Pardons issued regularly, about 100 each year.

Judicial expungement & sealing: Minor felonies and drug convictions eligible for sealing after five years; misdemeanors and certain drug convictions after completion of sentence (presumption in favor of sealing); prostitution convictions as a result of being a victim of human trafficking eligible for sealing at any time (mandatory if found to be human trafficking victim). Serious violent and sexual offenses ineligible, as are motor vehicle violations committed by holder of a commercial driver's license. Deferred adjudication for first-time offenders may result in sealing (serious violent offenses and certain sex offenses ineligible).

Non-conviction records, including cases where charges have been dismissed, "shall" be sealed by sentencing court unless there is a public safety risk.

Expungement available in only two situations: where non-violent felony committed before the age of 18, and after completion of drug court.

Consideration of conviction in employment and licensing: Conviction may be considered but may not bar licensing; five years following completion of sentence is "prima facie evidence of rehabilitation." Reasons for denial of license must be given in writing.

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CALIFORNIA

Loss & restoration of civil rights: Vote lost upon conviction of any felony if sentenced to a term of imprisonment, not including those serving felony sentences in county jail; jury eligibility lost upon conviction of any felony or malfeasance in office; office eligibility lost upon any malfeasance in office. Vote restored upon completion of sentence, including parole; jury and office eligibility restored by pardon.

Firearms rights: All firearm rights lost upon any felony conviction and misdemeanor involving use of a firearm; restored by pardon except when underlying offense involves use of dangerous weapon.

Pardon policy & practice: Governor decides with optional consultation of parole board; for recidivists, board must be consulted and supreme court justices must recommend. Judicial Certificate of Rehabilitation, first step in pardon process, available to residents after 10 years. Pardon restores civil rights and removes occupational bars but does not expunge record; firearms rights restored separately. Pardons relatively frequent under Governor Brown.

Judicial expungement & sealing: Courts may dismiss charges or set aside convictions for probationers, misdemeanants, and minor felony offenders sentenced to county jail. Certain minor felonies may also be reduced to misdemeanors and become eligible for dismissal or set-aside, including felonies for which sentencing deferred ("wobblers"). This relief does not seal record, but restores rights and removes disabilities, and has other employment-related benefits. Conviction may still be used as predicate offense and must be disclosed in certain contexts.

Judicial dismissal of charges and set-aside commonly referred to as "expungement," but no sealing of records except for certain under-age misdemeanants and most juvenile adjudications after five years (if found to be rehabilitated and no subsequent convictions of felony or crime of moral turpitude). Records of dismissed marijuana convictions may be dismissed, and destroyed after two years. Records of human trafficking arrests and convictions may be vacated and expunged after three years. Mandatory sealing of most non-conviction records upon petition (effective 2018). Eligible juvenile misdemeanor arrest records must be sealed upon request.

Certificate of Rehabilitation (COR) available to state law offenders from court in county of residence after waiting period (generally 10 years) and satisfaction of other statutory criteria. COR relieves certain licensing restrictions as well as obligation to register as sex offender, and serves as first step in the pardon process.

New in 2017

Employment non-discrimination: Legislation enacted in October bans the box in most public and private employment and requires hiring employer to conduct individualized assessment to determine whether conviction has "a direct and adverse relationship with the specific duties of the job." Enforced by Department of Fair Employment & Housing.

Set-aside authority extended for some pre-2011 convictions: Legislation effective January 1, 2018, makes retroactive courts' authority to dismiss or set aside convictions of individuals sentenced to county jail under the 2011 Realignment legislation. Now anyone sentenced prior to 2011 who would have been eligible for such a sentence may seek dismissal or set-aside.

Marijuana set-aside: In Nov. 2016, Proposition 64 made a number of prior marijuana convictions eligible for set-aside, either directly or by reducing felony convictions to misdemeanors.

Non-conviction sealing: Effective January 1, 2018, individuals may petition to have records of arrest not resulting in conviction sealed in most cases at disposition. Sealing is mandatory for most offenses.

Consideration of conviction in employment and licensing: State licensing board may not deny license solely on basis of conviction that has been dismissed or set aside or for which a COR has been granted, or based on a misdemeanor conviction if the person is "deemed rehabilitated" by licensing board. Suspension or revocation of license allowed only if crime is "substantially related" to qualifications. Investigative Consumer Reporting Agencies Act limits reporting by background checking companies.

Fair Employment and Housing Act (FEHA) imposes state-wide ban-the-box law for public and most private employment (no inquiry into conviction history until determined applicant receives a conditional offer). Consideration of certain non-conviction records, including dismissed and set-aside convictions are an "unfair employment practice" under FEHA and subject to administrative enforcement. FEHA also requires employers to conduct individualized assessments to determine whether conviction has a "direct and adverse relationship with the specific duties of the job." Additional procedural requirements apply in the event the employer decides to reject an applicant based on their conviction history.

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COLORADO

Loss & restoration of civil rights: Vote lost upon any felony conviction if sentenced to a term of imprisonment; jury eligibility not lost; office eligibility lost while incarcerated or on parole following conviction of any felony. Vote and office eligibility restored upon completion of sentence, including parole.

Firearms rights: All firearms rights lost upon felony conviction; restored by pardon.

Pardon policy & practice: Governor decides with non-statutory advisory scheme; must report pardons to legislature, with reasons. No eligibility restrictions. No public hearing; governor must seek views of corrections authorities, DA, and judge. Pardon restores civil rights and firearms rights. Pardons infrequent.

Judicial expungement & sealing: Sealing of drug conviction records, with eligibility period ranging from three years for petty offenses to ten years for more serious felonies; sealing of petty offenses and violations after 3-year waiting period. Minor drug felonies may be vacated and reduced to misdemeanors, making many of them eligible for sealing. Mandatory sealing of decriminalized misdemeanor marijuana offenses.

New in 2017

Sealing of decriminalized marijuana offenses: As of Aug. 2017, convictions for misdemeanor marijuana use & possession offenses must be sealed upon petition.

Expanded minor offense sealing: As of Aug. 2017, petty offenses and municipal violations may be sealed notwithstanding a single intervening misdemeanor conviction. Previously, a single intervening misdemeanor barred eligibility. Exceptions apply.

Juvenile expungement authority revision: As of July 2017, expungement will be automatic for juvenile records in cases of acquittal, dismissal, and low-level adjudication.

Relief from collateral consequences at sentencing for non-incarceration sentences.

Non-conviction records must be sealed where charges completely dismissed or person acquitted. Deferred sentencing dispositions may also lead to sealing.

Under 2017 scheme, juvenile record expungement mandatory in the case of most petty offenses and misdemeanors, or where no conviction results; expungement discretionary for low-level felonies after eligibility waiting period, which is longer for repeat offenders.

Consideration of conviction in employment and licensing: Conviction of felony or other offense involving moral turpitude cannot, by itself, prevent a person from obtaining public employment, or from receiving a license or permit required to pursue any profession or business in the state. State-wide ban-the-box for public employment, with some exceptions (no background check until applicant is finalist or conditional offer made; non-conviction records cannot be considered). Employers protected from negligent hiring suits.

General Assembly reviews agency licensing and certification processes to determine whether they disqualify applicants based on criminal history and if so whether such disqualification serves public safety or commercial or consumer protection interests.

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CONNECTICUT

Loss & restoration of civil rights: Vote and office eligibility lost upon conviction of any felony only if sentenced to a term of imprisonment; jury eligibility lost upon conviction of any felony. Vote and office eligibility restored upon completion of sentence, including parole, except that vote remains lost while on probation for election law offense. Jury eligibility automatically restored seven years after conviction unless person remains incarcerated.

Firearms rights: Handgun rights lost upon any felony conviction and "serious juvenile offenses;" restored by pardon.

Pardon policy & practice: Independent board appointed by governor exercises pardon power. Eligibility five years after completion of sentence for felonies, three years for misdemeanors. Public hearing generally required, with board giving reasons for denial. Process takes about one year. Relieves all legal disabilities, and is basis for court order "erasing" conviction. Board of Pardons and Parole also offers "provisional" pardons and certificates of rehabilitation/employability, which remove mandatory automatic collateral penalties (e.g., denial of employment or license). Provisional pardons and certificates may be sought any time after sentencing, and are available to individuals with out-of-state and federal convictions. The overall pardon grant rate has increased in recent years, from just under 50% in 2013 to over 60% in 2016.

New in 2017

Ban-the-box: As of Jan. 1, 2017, neither public nor private employers may ask about criminal history on job applications unless required to do so by federal or state law or the position requires bonding.

Judicial expungement & sealing: Several deferred adjudication programs may result in "erasure" of record, with records destroyed after three years. Pardoned offenses erased three years after final disposition of criminal case. After two to four-year waiting period, juvenile offender at least 17 years of age may petition for erasure of police and court records if no subsequent convictions. Non-conviction records erased.

Consideration of conviction in employment and licensing: Public employers and licensing authorities, with limited exceptions, may not disqualify an applicant automatically on the grounds of a prior conviction. Private employers may not deny employment solely on basis of conviction if provisionally pardoned or granted certificate of rehabilitation. Inquiry into erased convictions prohibited. State-wide ban-the-box in public and private employment, with some exceptions (no inquiry into criminal history on initial application).

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DELAWARE

Loss & restoration of civil rights: Vote lost upon conviction of any felony and certain misdemeanor election law violations; jury eligibility lost upon conviction of any felony; office eligibility lost upon conviction of any "infamous crime" as determined by a court. Vote restored upon completion of sentence for most felonies, ten years for election law violations, and by pardon only for certain violent felonies. Jury eligibility restored by pardon. Pardon of limited effect in restoring office eligibility.

Firearms rights: All firearms rights lost upon conviction for crimes of violence, drug offenses, and domestic violence crimes; restored only by pardon.

Pardon policy & practice: Governor decides but may not act without affirmative recommendation from clemency board composed of elected officials, chaired by lieutenant governor. Eligible 3-5 years following completion of sentence. Public hearings held at regular intervals, board recommendation and reasons announced at hearing. Process takes about 6 months. Pardon relieves all legal disabilities except constitutional provisions barring someone convicted of "infamous crime" from holding state office. More than 200 pardons granted annually in recent years, about 75% of filings.

New in 2017

Juvenile expungement expansion: New legislation expanded eligibility for both mandatory and discretionary expungement by eliminating robbery and burglary convictions as bars to expungement, shortening waiting periods for discretionary expungement, and creating a catch-all provision that allows discretionary expungement of all eligible offenses after seven years, regardless of the number of adjudications.

Judicial expungement & sealing: Mandatory expungement upon request of non-conviction records of first-time misdemeanors or violations if no subsequent convictions. Discretionary expungement for other non-conviction records, including cases involving diversion or deferred adjudication ("Probation before Judgment"), and for pardoned misdemeanors and violations, with petitioner required to show "manifest injustice." Records of juvenile adjudications may be expunged under a similar bifurcated scheme, some subject to mandatory expungement, others discretionary.

Consideration of conviction in employment and licensing: Denial or revocation of professional licenses based upon criminal conviction requires that the crime be "substantially related" to the profession or occupation at issue. State-wide ban-the-box law for public employment, with certain positions exempt (no inquiry into or consideration of criminal history until conditional offer made).

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District Of Columbia

Loss & restoration of civil rights: Vote and office eligibility lost only during incarceration following conviction of any felony and certain misdemeanor election law offenses; jury eligibility lost upon conviction of any felony. Vote and office eligibility restored upon release; jury eligibility may be restored one year after completion of sentence.

Firearms rights: All firearms rights lost for five years for drug offenses or crimes involving threats of bodily harm and lost permanently for certain classes of sex offenders, crimes of violence, and weapons offenses. Restored by pardon.

Pardon policy & practice: Only the President can pardon D.C. Code criminal offenses. Five-year eligibility period (after completion of sentence or release from confinement). Applications submitted to Justice Department Pardon Attorney, with no time limit on process. Pardon relieves all legal disabilities, signifies good character. Pardons for D.C. Code offenders rare.

Judicial expungement & sealing: Sealing for selected misdemeanors and felony "failure to appear" offense, after waiting period. Sealing of juvenile adjudications upon reaching age 18 after a two-year waiting period if no subsequent convictions. Court authorized to seal non-conviction records after waiting period.

Consideration of conviction in employment and licensing: Public and private employers with more than ten employees are prohibited from inquiring into non-conviction records at any time, and prohibited from inquiring into and considering conviction history until after making conditional offer of employment (certain positions exempt). For conviction to form basis of licensure denial, the crime must "bear[] directly upon the fitness" of the person to be licensed.

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Florida

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony; restored by pardon ten years after completion of sentence or by restoration of rights five years after completion of sentence or seven years for serious offenses.

Firearms rights: All firearms rights lost upon conviction of any felony; restored by pardon after eight-year waiting period.

Pardon policy & practice: Governor and three cabinet officials act as pardon board; governor decides with concurrence of two cabinet officials. Governor must report pardons and restorations to legislature. Pardon eligibility begins ten years following completion of sentence; restoration of rights eligibility five to seven years after completion of sentence, depending on seriousness of offense; firearms restoration eight years after completion of sentence. Public hearing required for pardon, and for restoration of voting rights for some offenders. Pardons sparingly granted.

Judicial expungement & sealing: Sealing (limited access) is available for non-conviction records, including records of deferred adjudication ("withholding adjudication of guilt") if no prior convictions and no prior sealings/expungements. Sex offenses and certain violent offenses ineligible. Expungement (destruction) of sealed records is available after 10 years. Expungement also available for juvenile first offenders upon successful completion of diversion program, and for others as early as age 24. Also for victims of human trafficking.

Consideration of conviction in employment and licensing: In general, conviction may be basis for disqualification from licensure or public employment only if their crime is one that is "directly related" to the job as determined by each licensing agency. Bars to employment or licensure in health and related professions may be waived.

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GEORGIA

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony involving moral turpitude. Vote restored upon completion of sentence; jury eligibility restored by pardon or by restoration of civil rights ten years after completion of sentence if no subsequent conviction; office eligibility restored by pardon or by restoration of civil rights.

Firearms rights: All firearms rights lost upon conviction of any felony. First offenders may apply for license ten years after completion of sentence, five years after deferred adjudication, or otherwise by pardon.

Pardon policy & practice: Independent board appointed by governor exercises pardon power, reporting annually to legislature, governor, and AG. Eligible five years after completion of sentence. Paper review with no public hearing; board decides by majority vote and issues written decision. Pardon relieves all legal disabilities except return to public office. The Board also issues "restoration of civil and political rights" to felony offenders. More than 400 pardons granted each year, with or without firearms restoration.

Judicial expungement & sealing: No provision for expungement of adult convictions or arrests, but access to certain records may be "restricted" followed by sealing for first offender drug possession, youthful offender misdemeanors, defendants in "accountability courts," and non-conviction records. Deferred adjudication for first felony offenders may lead to "complete exoneration" with all rights restored, restriction of records and, since 2016, sealing of court records. Sealing of juvenile records after two years with finding of rehabilitation.

Consideration of conviction in employment and licensing: Felony conviction that does not directly relate to occupation at issue may not be grounds for refusing or revoking license. Ban-the-box law for public employment, by executive order, with certain positions exempt (eliminates criminal record question from application).

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HAWAII

Loss & restoration of civil rights: Vote lost following felony conviction only while actually incarcerated; jury and office eligibility lost upon conviction of any felony. Vote restored upon release from incarceration; jury eligibility restored upon completion of sentence; office eligibility restored by pardon.

Firearms rights: All firearms rights lost upon conviction of any felony, drug crime, or crime of violence; restoration by pardon only if express.

Pardon policy & practice: Governor decides and may consult parole board. No eligibility requirements. No public hearing; parole board interviews applicant and makes recommendation to attorney general's office, which conducts an independent investigation and makes its own recommendation to the governor. Relieves all legal disabilities and prohibitions but does not expunge record. Pardons infrequent.

Judicial expungement & sealing: Expungement after one year for nonviolent first offenders who receive deferred adjudication and for certain first time minor drug offenders. Juveniles may move court for expungement; records of adjudications are automatically sealed. Court may expunge non-conviction records.

Consideration of conviction in employment and licensing: Discrimination based on conviction barred under state fair employment practices law. Only crimes committed within 10 years may be considered if there is a rational relationship to job or occupation, with certain exceptions; arrest records may not be considered at all. Ban-the-box for public and private employment (no inquiry into criminal history until conditional offer made; may consider conviction record within last 10 years but may withdraw offer only if conviction has "rational relationship" to duties).

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IDAHO

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony; restored upon completion of sentence.

Firearms rights: Firearms rights lost only during period of sentence except for certain serious violent crimes, for which restoration is done through application to pardon board five years after completion of sentence.

Pardon policy & practice: Independent board appointed by governor decides for all but most serious offenses, which must be approved by the governor. Eligibility begins three years after completion of sentence for non-violent offenses and five years for violent offenses. Relieves legal disabilities, but does not restore firearms rights. Pardons issued regularly and relatively frequently.

Judicial expungement & sealing: Broad authority to reduce felonies to misdemeanors five years after successful completion of probation (or earlier if prosecutor stipulates to reduction). Also broad authority in court to defer adjudication and vacate plea but record not expunged or sealed. Certain sex offenders may petition for removal from registry after 10 years. Juvenile convictions, except for serious offenses, may be expunged after a waiting period. Idaho law makes no provision for limiting access to non-conviction records except for unreturned arrest records.

Consideration of conviction in employment and licensing: No general law limiting or regulating consideration of conviction.

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ILLINOIS

Loss & restoration of civil rights: Vote lost while actually incarcerated following any felony conviction; jury service not lost; office lost upon conviction of any felony. Vote restored upon release from incarceration; office restored upon completion of sentence for statewide offices (except for crimes involving election fraud) and by pardon only for other offices.

Firearms rights: All firearms rights lost upon any felony conviction; restored by state police after 20 years under certain conditions, or by pardon.

Pardon policy & practice: Governor decides and may consult prisoner review board. No eligibility requirements. Public hearings held with confidential recommendations forwarded to the governor. Relieves all legal disabilities and expunges record if pardon expressly authorizes. Board hears 500-600 applications each year, 30% from misdemeanants. Process regular but frequency of grants varies with administration.

Judicial expungement & sealing: Sealing available for most misdemeanors, felonies, and deferred adjudication after three-year waiting

New in 2017

Sealing expansion: As of August 2017, nearly all felonies and misdemeanors will be eligible for sealing after a three-year waiting period. Previously, only misdemeanors and a small handful of listed of felonies were eligible.

Immediate sealing of non-conviction records: Effective 2018, sealing of records of arrests and charges resulting in acquittal or dismissal may be sought by petition at the dispositional hearing. Sealing appears to be mandatory for eligible records, and the petition must be ruled on immediately.

Non-conviction & deferred adjudication expungement eligibility: As of January 1, 2017, a criminal conviction is no longer a bar to expunging a non-conviction or deferred adjudication record.

Youth Opportunity & Fairness Act: Effective 2018, juvenile records will be automatically sealed. Juvenile expungement will also be available before age 21, and juvenile criminal history will not be a disqualifier for public office, employment, or licenses.

period. Exceptions for a handful of listed serious offenses. Sealing makes records unavailable without court order but does not destroy. In deciding whether to seal or expunge records, judges may consider specific collateral consequences the individual is facing, the person's age and employment history, and the strength of the evidence supporting the conviction. Pardon may authorize judicial expungement (physical destruction of records). Sealing of non-conviction records available immediately upon disposition; expungement after waiting period. Most juvenile records expunged automatically after brief waiting period that varies based on offense; non-expunged records are sealed (but may be shared with school authorities).

Courts also authorized to issue certificates to relief licensing restrictions ("certificate of relief from disabilities") and Certificates of Good Conduct. Out-of-state and federal offenders eligible for former but not latter.

Consideration of conviction in employment and licensing: Employment discrimination based on conviction prohibited only if conviction is sealed or expunged; agency waiver of restrictions on hiring permits for certain healthcare positions. Negligent hiring protection where employer relied on certificate of relief from disabilities. Statutory ban-the-box for private employment (no inquiry into criminal record until first interview or at point of offer); by executive order for public employment (no inquiry into criminal history on employment application).

Prior to 2017, limits on consideration of conviction in connection with occupational licensing applied only to certain licenses and only where a person had received a certificate of rehabilitation. In 2017, new standards and procedures developed for most non-healthcare licenses, including requirement that certain mitigating factors be considered and written reasons be given. These standards extended to a number of specific licenses.

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INDIANA

Loss & restoration of civil rights: Vote and jury service lost while actually incarcerated following conviction of any "infamous crime;" office lost upon conviction of any felony, and court may include 10-year ban from holding office or position of trust for misdemeanor bribery, conflict of interest, or official misconduct. Vote and jury service restored upon release from incarceration; office restored by pardon.

Firearms rights: Handgun rights lost upon conviction of any felony or domestic battery conviction; can be restored by state police 15 years after offense, or by pardon.

Pardon policy & practice: Governor decides with parole board having authority to review applications and make advisory recommendations; governor must report to legislature at next scheduled meeting; recent governors have required a five-year waiting period and evidence of rehabilitation, with a 15-year waiting period for firearms restoration; parole board notifies victims, court, and prosecutor, and conducts an investigation and hearing where petitioner and interested parties are given an opportunity to be heard. Pardon alleviates punishment and guilt, serving as basis for expungement. Pardons infrequent.

Judicial expungement & sealing: Mandatory judicial expungement of non-conviction records, misdemeanors, and less-serious felonies, if eligibility criteria met; discretionary expungement of more serious felonies. Expungement eligibility periods range from one to ten years, based on severity of offense. After expungement, non-conviction records, and records of misdemeanors and minor felonies are sealed; more serious felonies remain public but marked as expunged. Administrative sealing of convictions from state police after 15 years. Pardon is automatic basis for expungement.

Deferral or continuance of prosecution for drug abusers and alcoholics charged with less serious felonies, if they have no more than one prior conviction. Court may expunge juvenile records at any time upon petition.

New in 2017

Ban-the-box in executive employment: In June of 2017, Governor Holcombe issued an executive order requiring removal of questions about criminal history from applications for executive branch employment unless "a particular crime precludes the person from employment in the particular job to which she or he applied." Two months earlier, the Governor signed legislation that prevents localities from banning the box of their own accord.

Negligent hiring: As of June 2017, evidence of an employee's criminal history may not be introduced in a negligence claim against the employer if the offense doesn't relate to the basis for the negligence claim, or was pardoned, vacated, expunged, or sealed.

Consideration of conviction in employment and licensing: Broad nondiscrimination protection for expunged and sealed offenses in employment process. Fair Credit Reporting Act limits reporting by background checking companies where record has been expunged. Ban-the-box by executive order for executive branch employment (no inquiry into criminal history on initial job applications, unless conviction precludes employment in particular job); but 2017 law also prohibits local ban-the-box laws. Negligent hiring protection for expunged and sealed offenses as well as criminal history that does not directly relate to underlying civil action.

Reforms applicable to occupational and professional licensing enacted in 2018 require licensing agencies to enumerate disqualifying convictions, which must specifically and directly relate to the duties of the occupation; terminate disqualification after five years (except crimes involving sex or violence); apply specific standards to determine whether a license should be granted; and give written reasons for denial and an opportunity for a hearing. Requirements also extended to licenses granted by units of county and local government..

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IOWA

Loss & restoration of civil rights: Vote and office lost upon conviction of any "infamous crime," which is one punishable by imprisonment; jury service not lost but conviction may serve as basis for challenge. Vote and office restored by gubernatorial restoration of rights or pardon.

Firearms rights: All firearms rights lost upon conviction of any felony; restored by pardon, gubernatorial restoration of rights, or by expungement after a five-year waiting period; no restoration for forcible felonies or firearms offenses.

Pardon policy & practice: Governor decides and may consult parole board; governor must report pardons and reasons to legislature every two years; application may be submitted any time, but policy of governor's office to require ten years after completion of sentence; five-year waiting period for firearms restoration; no waiting period for restoration of rights; out-of-state and federal offenders eligible for restoration of rights; pardon relieves all legal disabilities. Pardons infrequent in recent years; restoration of rights granted more frequently.

Judicial expungement & sealing: Deferred adjudication followed by expungement for first offenses. A person acquitted of all charges or whose charges have been dismissed is entitled to have the record expunged after 180 days. Automatic expungement of juvenile records at age 21 if no subsequent offenses; sealing of juvenile records at age 18 upon petition after a two-year waiting period with no subsequent offenses. Juvenile adjudication records are presumptively confidential if they do not involve forcible felony.

Consideration of conviction in employment and licensing: No general law regulating consideration of conviction in employment or licensure, but state applies a "direct relationship" test in connection with some licenses.

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KANSAS

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony; restored upon completion of sentence.

Firearms rights: All firearms rights lost upon conviction of a "person felony" or drug offense if a firearm was carried at time of offense; five-year or 10-year restrictions for other person felonies; 10-year restrictions for non-person felonies only if committed with a firearm.

Pardon policy & practice: Governor decides with mandatory, but non-binding, consultation of parole board; governor must report pardons, but not reasons, to legislature each year; no eligibility requirements; paper review with applicant required to publish application in a newspaper in the county of conviction and to provide notice to prosecutor, judge, and victims; pardon removes legal disabilities but does not expunge conviction. Pardons rare (expungement preferred relief).

Judicial expungement & sealing: Expungement available for most convictions, excluding serious violent and sex offenses, following a 3–5 year waiting period; no expungement for registrants under offender registration act; presumption in favor of expungement if court makes certain findings. Juvenile expungement, except for most serious offenses, after hearing

after offender reaches age 23 and after a two-year waiting period with no subsequent offenses. Nonconviction records may be expunged on petition to court, subject to certain court-ordered grounds for disclosure.

Consideration of conviction in employment and licensing: It is a misdemeanor criminal offense for an employer to inquire into an applicant's criminal record without the applicant's consent. Conviction may be considered in licensure & certification but may not operate as a bar.

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KENTUCKY

Loss & restoration of civil rights: Vote and jury service lost upon conviction of any felony; office lost upon conviction of any felony or "high misdemeanor." All civil rights restored by pardon or gubernatorial restoration of rights.

Firearms rights: All firearms rights lost upon conviction of any felony after 1994 (handguns only for felony convictions between 1975 and 1994); restored by pardon.

Pardon policy & practice: Governor decides and may consult parole board; governor may also restore rights; governor must publicly file with legislature a list of pardons with reasons; restoration of rights eligible after expiration of sentence or discharge with no pending charges; pardon eligible seven years after completion of sentence; federal and out-of-state offenders only eligible for restoration of rights; no public hearing; pardon applications sent directly to governor's office; full pardon relieves all legal disabilities. Pardons rare during term, restoration of rights more frequent.

Judicial expungement & sealing: Mandatory expungement of single misdemeanor or violation (or series of misdemeanors/violations arising from same incident) after five conviction-free years. Discretionary expungement for series of misdemeanors/violations not arising from same incident after five conviction-free years. Under a 2016 law, pardoned convictions, and certain class D felonies may be vacated and the record expunged five years after completion of sentence, if no intervening conviction or pending charges. Court must hold hearing and there is a $500 filing fee. Expungement available for all juvenile offenses, excluding sex offenses and violent offenses, after a two-year waiting period.

New in 2017

Expanded availability of juvenile adjudication expungement: As of June 2017, expungement is now available for all juvenile offenses, excluding sex crimes and those that would result in "violent offender" classification. Previously, those that would have been felonies if committed by an adult were ineligible.

Nondiscrimination in licensing & public employment: Legislation enacted in 2017 expands the existing nondiscrimination law to cover all but the most serious felonies, and permits individuals to be personally heard by agencies making a disqualification determination.

Ban-the-box in public hiring: A February 2017 executive order removes questions about criminal history and convictions from state job applications, and prohibits agencies from inquiring "into an applicant's criminal history until the applicant has been contacted to interview for a position, unless required by law to do so."

Upon petition, court may expunge records of misdemeanor or felony cases resulting in dismissal or acquittal, or if no indictment after 12 months; automatic expungement of juvenile records not resulting in adjudication.

Consideration of conviction in employment and licensing: A conviction may not be sole basis for denying public employment or an occupational license unless the offense "directly relates" to position or occupation sought. Scope of agency discretion defined by various factors. Ban-the-box by executive order for public hiring (no inquiries into criminal history until contacted for interview).

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LOUISIANA

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony. Vote restored upon completion of sentence; jury service lost permanently; office restored upon completion of sentence.

Firearms rights: All firearms rights lost upon conviction of any crime of violence, felony drug offense, or sex offense; restored by pardon or automatically 10 years after completion of sentence if no intervening felony.

Pardon policy & practice: Governor may not act without affirmative pardon board recommendation; eligibility begins after completion of sentence, plus payment of costs; public hearings held at regular intervals; approval of four out of five board members required; prosecutor and victims must be notified by board and applicant through publication in newspaper; full pardon restores "status of innocence." Pardons infrequent.

Judicial expungement & sealing: Mandatory expungement of certain felony offenses ten years after completion of sentence, if eligibility requirements met (violent offenses, sex offenses, crimes against minors, and drug trafficking offenses ineligible). Expungement following deferred adjudication for certain noncapital felonies. Most juvenile adjudications may be expunged immediately upon termination of juvenile court jurisdiction; 5 year waiting period for serious offenses. Expunged records not publicly available, except to law enforcement and certain licensing agencies, but may be used as predicates. Non-conviction records may be expunged at any time but remain available for certain licensing purposes.

New in 2017

Licensing non-discrimination: The Licensing of Ex-Offenders Act of 2017 generally requires licensing boards to issue a license to any qualified applicant, irrespective of criminal history, and provides for revocation upon a "new" felony conviction. Licenses may be denied for crimes of violence, sex offenses, and certain fraud offenses and for crimes that "directly relate" to the licensed field. Exceptions apply for certain fields.

Public employment ban-the-box: 2017 amendments to the state Civil Service Rules ban the box for "classified" state service positions. Previously, only unclassified positions were covered.

Consideration of conviction in employment and licensing: A licensing entity "shall issue" an occupational or professional license to an "otherwise qualified" convicted person unless the conviction involves a felony that "directly relates to the position of employment sought, or to the specific occupation, trade or profession for which the license, permit or certificate is sought." Exemptions for violent and sex offenses, and for specified professions, including health, education, finance, and law enforcement. Reasons required, APA enforcement. Exempt licensing entities required to record and report any actions involving convicted individuals to legislature.

Ban-the-box for unclassified state service positions (no inquiry until after interview or conditional offer made). Protection from negligent hiring liability.

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MAINE

Loss & restoration of civil rights: No civil rights lost, even upon incarceration.

Firearms rights: All firearms rights lost for any felony; restored by pardon; may apply to carry a black powder gun five years after completion of sentence

Pardon policy & practice: Governor decides with a non-statutory advisory scheme; eligibility begins five years after completion of sentence; public hearings held at regular intervals, and board makes confidential recommendations to governor after conducting an investigation; applicant must notify prosecutor and post a notice in the newspaper in county of conviction; pardon relieves all legal disabilities. Pardon frequency varies with administration.

Judicial expungement & sealing: Class E offenses committed between age 18 and 21 must be sealed after four years if no other offenses and other requirements met; otherwise, no general sealing or expungement laws. Non-conviction records generally not publicly available. Information regarding pardoned convictions is considered "non-conviction" data with limited availability and can be deleted from FBI database after 10 years. Juvenile sealing upon petition after a three-year crime-free waiting period.

Consideration of conviction in employment and licensing: Convictions more than three years old or which call for less than a year in prison may not be considered in licensing decisions; certain professions (medical, nursing) have a 10-year debarment.

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MARYLAND

Loss & restoration of civil rights: Vote lost upon conviction of any felony only if serving a sentence of imprisonment; jury service lost upon conviction with any prison sentence exceeding six months; office eligibility lost if convicted while in office. Vote restored upon completion of sentence, except for convictions of buying or selling votes, which is restored only by pardon; jury service restored by pardon; office eligibility regained when restored to the franchise.

Firearms rights: All firearms rights lost upon conviction of any felony or violent crime or misdemeanor carrying a penalty of more than two years imprisonment; restored by pardon.

Pardon policy & practice: Governor decides, and Parole Commission may be consulted; state constitution requires governor to publish notice of pardon in newspaper and to report each pardon, with reasons, to legislature; felony convictions must have 10 crime-free years to be eligible or seven years if Parole Commission waiver is granted; misdemeanants must have five crime-free years; 20-year wait for crimes of violence and for controlled substances violations; paper review by parole board, but recommendation to governor is non-binding; pardon lifts all legal disabilities and penalties imposed by conviction; firearms restoration must be express in pardon. Non-violent first offenders who are pardoned are eligible for expungement. Pardoning varies with administration, rare under current governor.

Judicial expungement & sealing: Effective Oct. 1, 2017, expungement for over 100 enumerated misdemeanor convictions after a 10- to 15-year waiting period, and is automatic unless prosecutor or victim objects. "Shielding" (sealing) available for 12 enumerated non-violent misdemeanors after a 3-year waiting period. Expungement confers greater benefits than shielding: expunged records may be opened only by court order and are destroyed after three years. Expungement also available immediately for pardoned nonviolent first offenses; three years after completion of sentence for specified nuisance convictions; after three years for deferred adjudication ("probation before judgment"); after four years for marijuana possession offenses. Arrest records not leading to charges automatically expunged; other non-conviction records expunged upon petition after a waiting period. Expungement available after charges transferred to juvenile court; sealing of juvenile records.

New in 2017

Misdemeanor expungement: Effective Oct. 1, 2017, courts will have authority to expunge over 100 enumerated misdemeanors. "Expungement" provides greater protection than pre-existing "shielding" authority that applies to only a handful of minor misdemeanors

Marijuana possession expungement: Also effective Oct. 1, 2017, courts will have authority to expunge marijuana possession convictions that occurred prior to October 1, 2014.

Administrative Certificate of Rehabilitation: Also effective Oct. 1, 2017, the Department of Corrections will be required to issue a CoR to individuals convicted of non-violent, non-sexual offenses who successfully complete conditions of parole, probation, or mandatory release supervision. A CoR prevents licensing boards from discriminating based on a conviction that is unrelated to the field of licensure so long as issuance would not pose a risk to persons or property.

Consideration of conviction in employment and licensing: State-wide ban-the-box in public employment (no inquiry into criminal history until opportunity for interview). Licensing board may not deny license or certificate based on a criminal conviction unless conviction directly related to license sought or issuance would involve unreasonable risk to property or safety. DOC must issue Certificate of Rehabilitation to nonviolent and non-sexual felony and misdemeanor offenders who have completed conditions of supervision.

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MASSACHUSETTS

Loss & restoration of civil rights: Vote lost upon conviction of any felony or misdemeanor if actually incarcerated; jury service lost upon conviction for felony or for misdemeanors while incarcerated; imprisonment during term in office results in forfeiture of office, but office is not lost otherwise. Vote restored upon release; jury service restored seven years after completion of sentence or upon release for misdemeanors.

Firearms rights: All firearms rights lost upon conviction of felony or serious misdemeanor; right to possess shotgun or rifle restored to all but drug and violent offenders five years after conviction or release from prison, whichever is later; rights otherwise restored by pardon.

Pardon policy & practice: Governor may not act without affirmative recommendation of Governor's Council; governor required to report to legislature annually a list of pardons, but not reasons; eligibility begins 15 years after conviction or release from prison for felonies and 10 years for misdemeanors; petitions must be filed with Parole Board, which holds a public hearing and solicits recommendations from attorney general, prosecutor, and sentencing court; Board provides notice to victim and forwards recommendation to governor; records sealed upon pardon. Pardons infrequent since 1990; none granted by Govs. Romney and Patrick.

Judicial expungement & sealing: With certain exceptions, including firearms offenses, crimes by public officials, and crimes "against public justice" such as perjury and resisting arrest convicted persons are entitled to have their records sealed upon application to the department of probation if they can demonstrate a period of law-abiding conduct: 5 years for a misdemeanor and 10 years for a felony. Sex offenses subject to a 15-year waiting period. Immediate sealing available in deferred adjudication cases ("continuance without a finding"), as well as for decriminalized offenses. Pardon automatically seals. Non-conviction records may be sealed on court order. Upon discharge from commitment, juvenile rights are restored and past commitment cannot be received in evidence.

Consideration of conviction in employment and licensing: Employers may not inquire into non-conviction records, certain misdemeanor convictions or any other misdemeanor convictions more than five years old. Licensing agencies may not disqualify based solely on conviction in certain specific professions; licensing authorities are prohibited from disqualifying the applicant based on a felony conviction only if the conviction has been pardoned. State-wide ban-the-box for public and private employment and licensing (no inquiry into criminal history on initial application); City of Boston has broader ban-the-box protection.

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MICHIGAN

Loss & restoration of civil rights: Vote lost upon conviction of any felony or misdemeanor if actually incarcerated; jury service lost upon conviction of any felony; office lost upon conviction of offenses involving public corruption. Vote restored upon release; jury service lost permanently unless conviction is pardoned or expunged; office restoration depends upon the offense.

Firearms rights: All firearms rights lost for any felony until three years after completion of sentence, except for certain violent or drug offenders who must wait five years and have their privileges restored by a concealed weapons licensing board; earlier restoration with pardon or expungement.

Pardon policy & practice: Governor decides after mandatory, but non-binding, consultation with parole board; governor required to report annually to legislature a list of pardons with reasons; no eligibility criteria; all applications referred to the board; if board holds a hearing, relevant officials must be notified; board's recommendation is a matter of public record; pardon restores offender to same position as if the offense had never been committed. Post-sentence pardons rare in recent years.

Judicial expungement & sealing: Set-aside of felony conviction after 5-year waiting period if not more than one felony conviction and not more than two misdemeanor convictions; set-aside of one or both misdemeanor convictions after 5-year waiting period if not more than two misdemeanor offenses and no other offenses. Set-aside limits public access to the record, but remains available to law enforcement and counts as predicate. Probation before judgment for first-time drug offenders with nonpublic records kept by law enforcement. For first offenders found not guilty, or charges dismissed or not prosecuted, records "shall be destroyed." With certain exceptions, up to three juvenile adjudications (one felony) may be set aside one year after adjudication or release from detention, or upon reaching age 18, whichever is later. Most juvenile diversion records must be destroyed at age 17, and most juvenile adjudication records must be destroyed upon reaching age 30.

Consideration of conviction in employment and licensing: Conviction alone may not be basis for licensing authority to find that a person lacks good moral character, but it may be used as evidence in that determination; non-conviction records, convictions that did not result in incarceration, and convictions unrelated to capacity to serve the public cannot be considered by licensing agency. Employers prohibited from inquiring about non-conviction misdemeanor arrests on employment application. Employer may introduce "certificate of employability" from Department of Corrections as evidence of due care in engaging in activity/business with certificate holder.

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MINNESOTA

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony; restored upon completion of sentence.

Firearms rights: All firearms rights lost upon conviction of any felony; restored upon completion of sentence except for crimes of violence; also restored by court or pardon.

Pardon policy & practice: Governor and high officials (attorney general, chief justice) act as pardon board, which is required to report to the legislature annually; for a "pardon extraordinary," which restores all rights and effectively nullifies a conviction, eligibility requires five crime-free years from final discharge for nonviolent crimes or 10 crime-free years for violent offenses; commissioner of corrections screens applications and decides which cases should be heard by the board; public hearing with notice to officials and victim and decision announced at end of hearing; pardon extraordinary does not expunge or seal conviction. Pardon process regular, but grants issued sparingly.

Judicial expungement & sealing: Effective January 2015, all misdemeanors and many minor nonviolent felonies may be expunged (sealed) after a two- to five-year waiting period; sealing also available for cases resolved in an individual's favor or resulting in diversion or stay of adjudication, juvenile delinquency adjudications, and juveniles tried as adults after discharge; balancing test applies with presumption in favor of sealing non-conviction records. Common law expungement available for most records not eligible for statutory expungement; balancing test applies. Deferred sentencing for certain felony convictions which may be knocked down to misdemeanors following probation (does not make them eligible for sealing).

Consideration of conviction in employment and licensing: Conviction may not be basis to deny public employment or license unless a "direct relationship" between occupation/license and conviction history, and the individual has not shown "sufficient rehabilitation and present fitness to perform" the job duties or licensed occupation; rehabilitation is established by one year without an arrest after release or by successful completion of probation or parole. Records of arrest not leading to conviction, convictions that have been expunged, or misdemeanors for which a prison sentence could not be imposed, may not be considered in connection with public employment or licensing decision. State-wide ban-the-box for public and private employment (no inquiries until interview or conditional offer made); protection from negligent hiring liability regarding certain records.

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MISSISSIPPI

Loss & restoration of civil rights: Vote lost upon conviction of any crime listed as disqualifying in state constitution; jury service lost upon conviction of "infamous crimes," which are defined as any crime punishable by death or imprisonment; office lost for conviction of certain specified offenses. Vote and office restored only by pardon; jury service restored five years after conviction.

Firearms rights: All firearms rights lost for any felony conviction; restored by pardon or by petition to the court.

Pardon policy & practice: Governor decides, and parole board may be consulted; informal policy holds that eligibility begins seven years after completion of sentence; applicants must publish notice prior to making application to the governor's office; parole board investigates and holds hearing on facially meritorious cases; pardon restores civil rights and removes employment disabilities, but does not result in expungement. Pardons infrequent, process irregular.

Judicial expungement & sealing: Expungement of first offender misdemeanors, some enumerated minor felonies and a single more serious felony committed before age 21, all after a five-year waiting period. Deferred adjudication followed by dismissal for misdemeanors and certain felonies, but no expungement unless otherwise provided by law. Court may seal juvenile records for certain dispositions after reaching age 20. Non-conviction records may be expunged.

Consideration of conviction in employment and licensing: No general law regulating consideration of conviction in employment or licensure.

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MISSOURI

Loss & restoration of civil rights: Vote and jury service lost upon conviction of any felony; office lost upon conviction of any felony or conviction of misconduct in office. Vote and office restored upon completion of sentence; jury service restored only by pardon.

Firearms rights: All firearms rights, excluding antique weapons, lost upon conviction of any felony; restored only by pardon.

Pardon policy & practice: Governor decides, and parole board may be consulted for non-binding advice; eligibility begins three years after discharge; pardon applications forwarded to parole board for investigation; no public hearing; pardon relieves all legal disabilities but does not expunge. Pardons infrequent.

Judicial expungement & sealing: Effective January 1, 2018, felonies and misdemeanors may be expunged, subject to a lengthy list of exceptions for violent offenses, sex offenses, and other more serious offenses; waiting period of 3 years after completion of sentence for misdemeanors and 7 years for felonies; only one felony and two misdemeanors may be expunged in a lifetime; presumption in favor of expungement if eligibility criteria met. Expungement of non-conviction records subject to same eligibility rules and procedures as convictions, with a 3-year waiting period (eff. January 1, 2018). Arrest records not eligible

for expungement under new law eligible to be "closed" under old law (which authorizes sealing for suspended and probationary sentences, and for all cases disposed of favorably to the defendant). Court may seal and destroy juvenile records after person reaches age 17; juvenile driving records may be expunged after two years or upon reaching age 21. Expunged records unavailable to public, with some exceptions.

Consideration of conviction in employment and licensing: No disqualification from public employment on basis of conviction unless conviction "is reasonably related to the competency of the individual to exercise the right or privilege of which he is deprived." No denial of licenses "primarily" because of conviction history where sentence is fully discharged; conviction may be "some evidence of an absence of good moral character," but licensing board also considers the nature and date of the crime and evidence of good character. Ban-the-box by executive order in public employment (questions relating to criminal history removed from initial employment applications).

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MONTANA

Loss & restoration of civil rights: Vote lost upon conviction of any felony if actually incarcerated; jury service and office lost upon conviction of any felony. Vote restored upon release; jury service and office restored upon completion of sentence.

Firearms rights: All firearms rights lost if conviction involves use of dangerous weapons; restored by pardon or petition to the court.

Pardon policy & practice: Board of pardons is now advisory, permitting Governor to grant clemency petitions over Board's recommendation for denial; governor must report pardons, with reasons, to legislature; no eligibility criteria; board may hold a hearing in meritorious cases where all sides are heard and a record made, but not required; pardon removes "all legal consequences" of conviction and is grounds for expungement. Pardons infrequent.

Judicial expungement & sealing: Under a new law effective October 1, 2017, all misdemeanors eligible for expungement; expungement presumed for all but certain serious offenses after a 5-year waiting period, and expungement discretionary for other misdemeanors. Only one expungement order in a lifetime. Pardon is also grounds for judicial expungement. Deferred sentencing for first felony offenders and misdemeanants, after which charges are dismissed and access to records is limited. Upon request, non-conviction records must be returned to defendant or destroyed. Youth court and associated law enforcement records automatically sealed upon defendant's reaching age 18.

New in 2017

Misdemeanor expungement: Effective Oct. 1, 2017, courts will have authority to expunge any misdemeanor conviction. Although expungement may be granted only once in a person's lifetime, multiple misdemeanors from different counties may be expunged in a single order.

Consideration of conviction in employment and licensing: Conviction shall not operate as a bar to licensure for any profession, but it may be considered. No law regulates public or private employment.

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NEBRASKA

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony. Vote restored two years after completion of sentence; jury service and office restored only by "warrant of discharge" issued by Board of Pardons.

Firearms rights: All firearms rights lost upon conviction of any felony; restored only by pardon.

Pardon policy & practice: Governor and high officials (secretary of state and attorney general) act as pardon board; eligibility begins 10 years following completion of sentence for felonies and three years for misdemeanors; public hearings held at regular intervals; reasons for approval or denial not given; pardon restores civil rights other than vote; gun rights restored separately. An average of 80 pardons granted each year, about 25% with firearms privileges. 60% of applications are granted,

Judicial expungement & sealing: Set-aside for probationers "nullifies" conviction and removes "all civil disabilities and disqualifications" but does not expunge or seal record; juvenile expungement only for arrests due to police error; limited sealing of juvenile records upon showing of rehabilitation. Criminal history information from cases not resulting in conviction is automatically removed from the public record and available only to law enforcement; waiting periods apply depending on type of record. Upon petition, expungement of arrest records resulting from law enforcement error.

Consideration of conviction in employment and licensing: No general law regulating consideration of conviction in employment or licensure. Ban-the-box for public employment (no inquiry into criminal history until determined that applicant meets minimum employment qualification).

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NEVADA

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony. For first felony offenders convicted of less serious offenses, vote and civil jury service are restored upon completion of sentence, criminal jury service is restored six years after completion of sentence, and office is restored four years after completion of sentence; others seeking rights restoration must do so from convicting court or Board of Pardons Commissioners.

Firearms rights: All firearms rights lost upon conviction of any felony; restored by pardon.

Pardon policy & practice: Governor and high officials (justices of supreme court and attorney general) act as pardon board; governor must report every clemency action, without reasons, at the beginning of each legislative session; no formal eligibility requirements, but typically required to wait "a significant period of time;" public hearings held at regular intervals, except for non-violent first offenders; pardon removes all disabilities, including firearms and licensing bars; does not erase conviction. May serve as predicate (ex. federal gun prosecutions). Process takes about one year. About 60 grants each year since 2013, about half of those that apply.

Judicial expungement & sealing: Petition to seal available after 2-10 years for felonies and 1-7 years for misdemeanors, if no subsequent convictions; presumption in favor of sealing if criteria met, except where dishonorably discharged from probation. Deferred sentencing for persons adjudged an addict or alcoholic; upon successful completion of a treatment program the conviction may be set aside and the record sealed. Automatic juvenile sealing for most offenses at age 21, or earlier upon petition after a three-year waiting period. Non-conviction records may be sealed at any time after completion of case.

Consideration of conviction in employment and licensing: Prohibits discrimination based on criminal record in public employment under certain circumstances, bans initial inquiry, sets standards, and provides for enforcement. No general law regulating consideration of conviction in licensure, but applies a direct relationship test in connection with some licenses.

New in 2017

Expungement waiting periods: Effective Oct. 2017, the waiting period for conviction expungement will be reduced to 2-10 years for felonies and 1-7 years for misdemeanors. The new law also creates a presumption in favor of expungement if all statutory eligibility criteria are satisfied. It also permits expungement for probationers that were not honorably discharged, and streamlines the expungement process by permitting grants without a hearing (with prosecutor's stipulation) and reducing the breadth of records that must be submitted with a petition.

Public employment non-discrimination: Effective Jan. 1, 2018, a 2017 enactment will prevent public employers from automatically disqualifying applicants based on conviction. Before denial, the employer must consider enumerated factors, including the nature and age of the offense. Exceptions apply for certain offenses. The law also prohibits consideration of non-conviction records more than 6 months old, expunged & sealed records, and convictions for infractions and misdemeanors where no term of imprisonment in a county jail was imposed.

Civil rights restoration: Per a June 2017 law, civil rights restoration will be available for Class B felonies not resulting in substantial bodily harm. Automatic restoration will also be extended to dishonorably discharged probationers.

Sealing for human trafficking victims: 2017 authorizes vacatur and sealing for human trafficking victims convicted of prostitution and related offenses.

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NEW HAMPSHIRE

Loss & restoration of civil rights: Vote lost upon conviction of any felony if actually incarcerated; jury eligibility not lost; office eligibility lost upon conviction of any felony. Vote restored upon release; office eligibility restored upon completion of sentence.

Firearms rights: All firearms rights lost for felonies "against the person or property of another" or a felony drug offense; restored by pardon or judicial annulment of nonviolent offenses.

Pardon policy & practice: Governor may not act without affirmative recommendation of Executive Council. Persons eligible for "annulment" under state law generally are not considered for a pardon. No public hearing; notice to prosecutor. Pardon eliminates all consequences of conviction but does not expunge. Pardons infrequent.

Judicial expungement & sealing: Less serious, nonviolent offenses may be "annulled" after 1–10 year waiting period, with recidivists waiting longer. Juvenile records sealed upon reaching age 21. Non-conviction data may be annulled by court subject to "public welfare" standard. Annulment results in being treated as if having "never been arrested, convicted or sentenced;" Effective 2013, annulled records not publicly available except to law enforcement.

Consideration of conviction in employment and licensing: License may not be denied, suspended or revoked solely because of prior conviction; may be denied or impaired based on conviction if direct relationship. Inquiry into annulled offenses is limited.

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NEW JERSEY

Loss & restoration of civil rights: Vote and jury eligibility lost upon conviction of any crime that is not a petty offense; office eligibility is forfeited upon conviction of a serious crime or one involving dishonesty while in office. Vote restored upon completion of sentence; jury eligibility restored only by pardon; office eligibility is lost permanently if the offense is one "involving or touching on" the office.

Firearms rights: All firearms rights lost upon conviction for specific violent crimes and may be denied a handgun permit or FID card for any crime or domestic violence offense. Restored by pardon or gubernatorial restoration of rights.

New in 2017

Expungement waiting periods: In December of 2017, the state enacted legislation that will reduce the waiting period for expungement of a felony ("indictable offense") from ten years to six, and increase the number of misdemeanors ("disorderly persons offenses") that are expungeable, either with a felony or standing alone. The new law also eliminates the absolute bar to conviction expungement for individuals who were at any time granted a dismissal following completion of a diversion program. It takes effect October 1, 2018.

Juvenile expungement waiting period reduction: Additional December 2017 legislation reduces the waiting period for expungement of a person's entire juvenile adjudication record from five years after final discharge to three years. The change takes effect April 1, 2018.

Pardon policy & practice: Governor decides and may consult parole board; governor must report pardons, with reasons, to legislature. No eligibility criteria. No public hearing required. Pardon restores rights and makes eligible for expungement. Pardons infrequent.

Judicial expungement & sealing: Expungement of "indictable" offenses (felonies), "disorderly persons" offenses (misdemeanors), "petty disorderly persons" offenses, and municipal offenses, with different waiting periods depending on offense (most serious and violent offenses ineligible). Petition for expungement of indictable offense may include up to two petitions for expungement of disorderly person/petty disorderly person offenses (three, effective October 1, 2018); up to three disorderly person/petty disorderly person offenses may be expunged at same time (four, effective October 1, 2018), if no indictable offense conviction. Expungement of most drug offenses upon successful completion of drug court. Juvenile records may be expunged after a five-year waiting period with no subsequent convictions (waiting period reduced to three years effective October 1, 2018). Deferred adjudication for minor drug offenses and expungement after six-month waiting period; expungement of arrest and other non-conviction records at time of disposition.

Sentencing court or supervisory authority may issue certificate evidencing rehabilitation that "suspends certain disabilities, forfeitures or bars to employment or professional licensure." Only state offenders eligible.

Consideration of conviction in employment and licensing: 2014 Opportunity to Compete Law imposes ban-the-box rule in public and private employment (no inquiry into criminal history until after first interview). Licensing authorities may not discriminate on grounds of conviction unless reasonably related to occupation. Pardon, expungement, or certificate of rehabilitation precludes licensing authorities from discriminating against or disqualifying an applicant. A certificate of rehabilitation issued by sentencing court or supervisory agency is effective to remove bars to public employment, with certain exceptions.

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NEW MEXICO

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony. Vote and jury eligibility restored upon completion of sentence; office eligibility restored by pardon.

Firearms rights: All firearms rights lost upon conviction of any felony for 10 years after completion of sentence; may be restored earlier by pardon.

Pardon policy & practice: Governor decides and may consult parole board. Eligibility begins after completion of sentence with current policy requiring longer waiting periods and non-consideration for certain serious offenses. No public hearing required; victim notified. Restores rights and removes disabilities but does not expunge. Pardons infrequent.

Judicial expungement & sealing: Deferred sentencing available for all but first-degree felony cases; civil rights restoration but no expungement. Expungement available for first offender drug possession if under age 18 at time of offense; court may seal juvenile delinquency records. Expungement of arrest records for misdemeanors.

Consideration of conviction in employment and licensing: In public employment and licensing decisions, agencies may consider conviction, but conviction may not be an automatic

bar to employment/licensure. There exists a presumption of rehabilitation three years after release or completion of parole/probation. Reasons for denial must be stated in writing. State-wide ban-the-box for public employment (no inquiry into criminal history on initial application and no consideration until applicant is finalist).

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NEW YORK

Loss & restoration of civil rights: Vote lost upon conviction of any felony if sentenced to a term of actual imprisonment; jury eligibility lost upon conviction of any felony; office forfeiture and disqualification depends upon offense and office. Vote restored upon completion of sentence, including parole; jury eligibility restored by pardon.

Firearms rights: All firearms rights lost upon conviction of any felony or serious offense; restored by pardon or by Certificate of Good Conduct.

Pardon policy & practice: Governor decides and may consult parole board; governor must report pardons, with reasons, to legislature annually. No eligibility criteria; applicants generally not considered if alternative administrative remedies are available. No public hearing required. Pardon "exempts from further punishment" based on the conviction. Special pardon program under Gov. Cuomo that applies to people convicted of misdemeanors or nonviolent felonies at age 16 or 17; recommended if 10 crime-free years. Pardons infrequent and process irregular.

New in 2017

Adult conviction sealing: NY's first general adult conviction sealing authority will take effect in Oct. 2017. Sealing will be available for up to 2 convictions, only one of which may be a felony, after a 10-year waiting period. Violent felonies, class A felonies, and most sex offenses are ineligible.

Judicial expungement & sealing: Under a new law effective October 2017, sealing of up to two convictions (only one felony) after 10-year waiting period for all crimes except sex offenses, class A and violent felonies. Automatic sealing of records following deferred adjudication. Conditional sealing of certain drug and other felony offenses and up to three misdemeanor convictions upon completion of diversion program; sealing also applicable to juvenile offender adjudications and proceedings. Automatic sealing of non-conviction records upon termination of the action in favor of the accused unless DA demonstrates "that the interests of justice require otherwise."

A Certificate of Relief from Disabilities (CRD) or a Certificate of Good Conduct (CGC) may be obtained to restore certain rights, may be limited to one or more specific rights. CRD available to individuals with no more than one felony, as early as sentencing; CGC available to individuals with multiple felonies after 1-5 year waiting period. Persons residing in New York with convictions from other states or with federal convictions may qualify for certificates.

Consideration of conviction in employment and licensing: General non-discrimination law prohibits discrimination in employment and licensing based on conviction; to form basis of denial, there must be a direct relationship and unreasonable risk to property or safety; applicant is entitled to reasons for denial. Persons with CRD or CGC entitled to presumption of rehabilitation in "direct relationship" determination. Protection from negligent hiring liability. Ban-the-box by executive order in public employment (no inquiry into prior convictions until initial hiring decision made); broader ban-the-box in New York City under Fair Chance Act for public and private employment (no inquiry until initial offer made).

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NORTH CAROLINA

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony; restored upon completion of sentence.

Firearms rights: All firearms rights lost upon conviction of any felony, with certain exceptions; restored by pardon or by court for nonviolent first offenders 20 years after completion of sentence.

Pardon policy & practice: Governor decides and may consult parole board. Eligibility begins five years after completion of sentence. No public hearing required; DA and victim must be notified, with victim allowed to offer written statement. Depending on type of pardon, effects range from assistance in securing employment to full restoration of rights, including firearms rights. Pardons rare.

Judicial expungement & sealing: Nonviolent misdemeanors may be expunged after 5 years and minor nonviolent felonies after 10 years. (Waiting period is 15 years for all offense levels until December 1, 2017). Must have no other convictions or expunctions. Deferred adjudication for first-time minor drug offenders; expunction only if under age 22. First offender felonies, misdemeanors, and certain juvenile offenses committed under age 18 or 21 may be expunged following a waiting period. Records may be expunged where charges dismissed or person acquitted, if the person has no prior felony convictions. Effective December 1, 2017, the additional eligibility requirement of no prior expungements was repealed. In addition, courts were specifically authorized to redact conviction records to expunge dismissed charges.

New in 2017

Reduced expungement waiting periods: Effective Dec. 2017, the waiting period for expungement of eligible non-violent misdemeanor and felony convictions will be significantly reduced—from 15 years for both to 5 years for misdemeanors and 10 years for felonies.

Predicate effect of expunged convictions: The same law explicitly states that expunged convictions shall count as predicates when calculating "prior record level" in subsequent prosecution and sentencing.

Non-conviction partial expungement: The law also authorizes partial expungement of any dismissed charges in cases where not all charges were dismissed. Previously, expungement was only available if all charges in a case were dismissed.

Certificate of Relief available from sentencing court one year after completion of sentence; for individuals with no more than two class G, H, or I felonies or misdemeanors in one court session, and no other felony or misdemeanor convictions. Relieves mandatory collateral consequences, certifies no public safety risk, provides negligent hiring protection.

Consideration of conviction in employment and licensing: Occupational licensing boards prohibited from discrimination on basis of criminal record, unless authorized by governing laws; if authorized, must consider whether denial of license warranted given a number of factors. No general restriction on consideration of conviction in employment, except agency may consider Certificate of Relief favorably in determining whether a conviction should result in disqualification. Certificate of Relief evidence of due care in negligent hiring proceedings.

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NORTH DAKOTA

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony while actually incarcerated, with certain offenses excepted for jury eligibility. Restored upon release.

Firearms rights: All firearms rights lost for 10-year period upon conviction of a felony involving violence or intimidation, and for a five-year period for nonviolent felonies and Class A misdemeanors. Restored by pardon only.

Pardon policy & practice: Governor decides and may consult pardons board. No formal eligibility criteria, but applicant must demonstrate "compelling need." No public hearing; DA notified. Relieves collateral penalties but no expungement. Pardons infrequent.

Judicial expungement & sealing: Minor felony convictions may be set aside and knocked down to misdemeanors after successful probation, but no expungement except for non-conviction records. First offender marijuana possession may be sealed by court if no subsequent conviction for two years. Deferred adjudication and deferred imposition of sentence available, with expungement after successful completion. Juvenile records generally confidential, and may be destroyed upon petition and showing of good cause.

Consideration of conviction in employment and licensing: Licenses for most professions and occupations may be denied only if offense has direct bearing or if there is insufficient rehabilitation. Applicant is entitled to written statement of reasons for denial.

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OHIO

Loss & restoration of civil rights: Vote lost upon conviction of any felony while actually incarcerated; jury and office eligibility lost upon conviction of any felony, with certain offenses involving malfeasance in office resulting in a seven-year or permanent disqualification from office. Vote restored upon release; jury eligibility restored upon completion of sentence.

Firearms rights: Firearms rights lost only for felony crimes of violence and drug offenses; restored by court upon application after completion of sentence.

Pardon policy & practice: Governor decides but must consult parole board for non-binding advice; governor must report pardons to legislature. Eligibility at any time. Public hearings; no reasons given. Pardon "erases" conviction and entitles recipient to sealing. Pardon policy

varies with administration. Though process regular, pardons granted sparingly by present governor (Kasich).

Judicial expungement & sealing: Sealing for up to one felony, up to two misdemeanors, or up to one felony and one misdemeanor, after a 1–3 year waiting period upon finding of rehabilitation (excluding certain serious offenses). Sealing available for out-of-state and federal offenses. Intervention in lieu of conviction available for certain non-serious first offenses. Delinquency records may be sealed six months following discharge, except murder or rape. Sealing of non-conviction records.

Court-issued Certificate of Qualification for Employment (CQE) removes specified mandatory occupational and licensing consequences and creates presumption of fitness; 1-year waiting period for felonies, 6 months for misdemeanors

Consideration of conviction in employment and licensing: May be questioned about sealed conviction only if it bears direct and substantial relationship to the position sought. CQE evidence of due care in negligent hiring proceeding. Ban-the-box in public employment (no question about criminal history on application).

New in 2017

Certificate of Qualification for Employment revisions: Pursuant to 2017 legislation, a CQE creates a rebuttable presumption that a person's criminal conviction is insufficient evidence that the person is unfit for a license, employment opportunity, or certification. The legislation also eliminated the requirement that CQE applicants identify a particular collateral consequence from which relief was sought. At the same time, the amendment made individuals convicted of sex offenses ineligible for a CQE.

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OKLAHOMA

Loss & restoration of civil rights: Vote and jury eligibility lost upon conviction of any felony; office eligibility lost upon conviction of any felony and misdemeanors involving embezzlement. Vote restored upon completion of sentence; jury eligibility restored by pardon; office eligibility restored 15 years after completion of sentence or by pardon.

Firearms rights: Loss of concealed weapons privileges upon conviction of any felony; restoration for nonviolent felony convictions by full pardon.

Pardon policy & practice: Governor may not act without affirmative recommendation of Board of Pardons and Parole; governor must report pardons, but not reasons, to legislature. Eligibility begins after completion of sentence. Public hearings with favorable recommendations made public but no reasons given. Applicant not required to appear. Relieves legal disabilities, except firearms; grounds for expungement for nonviolent offenders. About 100 grants per year (80% of applications). Process takes about 6 months.

Judicial expungement & sealing: Misdemeanors with sentence of $500 fine or less and no prison term may be expunged (sealed) upon satisfaction of fine; otherwise, misdemeanors may be expunged after 5 years if no prior felonies and no charges pending. Nonviolent felonies that have been pardoned may be expunged after 10 years if no prior felonies/charges pending and no prior misdemeanor within last 15 years; up to two nonviolent felonies that have been pardoned may be expunged after 20 years, if no other felonies/no charges pending. Pardoned offenses committed under age 18 may be expunged, no waiting period.

Deferred adjudication and probation leading to expungement for first-time minor felony offenders and misdemeanants, after waiting period (10 years for felonies, 2 years for misdemeanors); deferred adjudication leading to automatic expungement for first-time drug offenders. Records of juvenile adjudications may be expunged upon reaching age 21 with no subsequent convictions. Non-conviction records may be expunged in case of acquittal or if no charges filed, and in case of dismissed charges only if no other felony convictions and statute of limitation has passed.

Consideration of conviction in employment and licensing: No public or private employer may ask about or consider a sealed conviction. Most specialized licensing boards may not deny/revoke license based on conviction unless substantial relationship or threat to public safety. Juvenile adjudications not considered arrest or conviction for any public or private purpose (e.g., employment, civil rights). Ban-the-box by executive order for public employment (no question about criminal history on employment application, unless felony would automatically disqualify, but may ask during interview process).

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OREGON

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony while actually incarcerated; restored upon release.

Firearms rights: All firearms rights lost upon conviction of any felony. Automatically restored 15 years after completion of sentence for felony first offenders except those convicted of homicide or weapons offenses; otherwise restored by pardon or expungement.

Pardon policy & practice: Governor decides; must report pardons, with reasons, to legislature. Eligibility generally extends only to misdemeanors and minor felonies for which set-aside is available. No public hearing required. Relieves all legal disabilities. Pardons infrequent.

Judicial expungement & sealing: Less serious, nonviolent misdemeanor and felony offenses may be set aside after a 1–20 year waiting period if there are no other convictions in the past 10 years or arrests within the past 3 years; expanded availability for set-aside of marijuana offenses after 2015 legislation. Set-aside restores all rights, relieves all disabilities, and seals the record of the conviction. Juvenile expungement and sealing upon reaching age 18 after a 5-year waiting period. Set-aside of non-conviction records one year after arrest if no charges filed, or any time after an acquittal or dismissal.

Consideration of conviction in employment and licensing: May consider conviction, but may not bar licensure solely on those grounds; teachers licenses excepted. Ban-the-box in public and private employment, with some exceptions (no inquiry into criminal history before initial interview or, if no interview, before conditional offer made).

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PENNSYLVANIA

Loss & restoration of civil rights: Vote lost upon conviction of any offense while actually incarcerated; jury eligibility lost upon conviction of any crime punishable by more than one-year imprisonment; office eligibility lost upon conviction of any felony. Vote restored upon release; jury and office eligibility restored by pardon only.

Firearms rights: Firearms rights lost for specified felony offenses, drug crimes, three or more DUI offenses within a five-year period, domestic violence offenses, and additional specified criminal conduct. Restored upon application to a court, generally 10 years after completion of sentence.

Pardon policy & practice: Governor may not act without affirmative pardon board recommendation. No eligibility requirements. Public hearings with favorable recommendations announced publicly; no reasons given. Relieves all legal disabilities; grounds for expungement. Process regular and about 100-150 pardons per year (fewer under present governor).

Judicial expungement & sealing: Sealing ("order for limited access") for 2nd and 3rd degree misdemeanors and ungraded offenses after 10-year waiting period; ineligible if convicted of certain offenses, offenses punishable by more than 2 years imprisonment, or four or more offenses punishable by one or more years. Sealed records not available to public, private employers, or landlords, but remain available to licensing agencies and other state and criminal justice agencies.

Expungement available for "summary" offenses after five years; "violations" (submisdemeanors); and for those aged 70 if no arrests for 10 years. Mandatory expungement for pardoned offenses; underage drinking offenses if over 21. Juvenile expungement available if: charges dropped; six months after discharge of consent decree/supervision; upon reaching age 18; or five years after delinquency adjudication.

Mandatory expungement for non-conviction records if no disposition indicated after 18 months, or by court order; expungement available for "probation before judgment" cases for nonviolent, first-time drug offenses. Authority to redact conviction records to expunge dismissed charges.

Consideration of conviction in employment and licensing: Felony and misdemeanor convictions may be considered only to the extent they "relate to" an applicant's suitability for employment/licensure in the position sought. Ban-the-box in public employment by executive policy (no inquiries into criminal history on application and limits on consideration in hiring process).

New in 2017

Non-discrimination in public employment: A new administrative hiring policy issued by Governor Tom Wolf in July 2017 prevents public employers from considering non-conviction records, and convictions expunged, annulled, pardoned, and that do not relate to "suitability for Commonwealth employment." It also generally prohibits inquiries about criminal histories on applications, and requires employers to "consider the public interest of ensuring access to employment for individuals with criminal records." Exceptions apply for certain positions.

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PUERTO RICO

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony; restored upon completion of sentence. Since the 1980s, gubernatorial policy has allowed prisoners to vote.

Firearms rights: All firearms rights lost for any felony conviction; restored by pardon or expungement.

Pardon policy & practice: Governor decides and may consult parole board. No formal eligibility requirements, but recent policy has imposed a five-year waiting period after completion of sentence. No public hearing. "Eliminates" conviction from police and court records.

Judicial expungement & sealing: Broad expungement authority for all offenses, including violent felonies, after waiting period of six months to five years if applicant demonstrates "good moral reputation in the community." Certificate of rehabilitation available for persons who have not completed prison term if deemed totally rehabilitated; conviction may not then be included in criminal record. Revoked verdicts may be expunged.

Consideration of conviction in employment and licensing: No general law regulating consideration of conviction.

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RHODE ISLAND

Loss & restoration of civil rights: Vote lost upon conviction of any felony while actually incarcerated; jury eligibility lost upon conviction of any felony; office eligibility lost upon conviction of any felony or misdemeanor resulting in a jail sentence of six months or more. Vote restored upon release; jury eligibility restored upon completion of sentence; office eligibility restored three years after completion of sentence or earlier by pardon.

Firearms rights: Firearms rights lost for "crime of violence" convictions; restoration to felony domestic violence offenders after two years, otherwise by pardon.

Pardon policy & practice: Governor decides but may not act without affirmative recommendation of state senate. No eligibility requirements. No process specified. Restores right to hold public office and lifts occupational and licensing bars. Pardons rare (none since 2000).

New in 2017

Expungement eligibility expansion: In September of 2017, expungement eligibility was expanded to include individuals with between one and six misdemeanor convictions, who may petition to expunge those convictions after ten arrest-free years. Previously, expungement was available only to people who had no more than a single conviction, whether a felony or misdemeanor.

Judicial expungement & sealing: Expungement for felony first offenders not convicted of specified violent offenses and for individuals with up to 6 misdemeanors 5–10 years after completion of sentence. Discretionary expungement available immediately upon completion of deferred sentence. Automatic sealing of juvenile records with limited exceptions. Sealing of records of acquittals or other exonerations, if no prior conviction.

A person with no more than one nonviolent felony conviction may apply to the Parole Board for a "certificate of recovery & re-entry" which may serve to relieve some collateral consequences. Persons with federal or out-of-state convictions are eligible to apply.

Consideration of conviction in employment and licensing: State-wide ban-the-box for public and private employment (no inquiry into criminal history until first interview).

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SOUTH CAROLINA

Loss & restoration of civil rights: Vote and office eligibility lost upon conviction of any felony, violation of election laws, or misdemeanor if sentenced to prison; jury eligibility lost upon conviction of any felony. Vote and office eligibility restored upon completion of sentence; jury eligibility restored by pardon.

Firearms rights: Handgun rights lost upon conviction for a "crime of violence," including serious drug trafficking; restored by pardon.

Pardon policy & practice: Independent board appointed by governor exercises pardon power, except in capital cases. Eligibility following completion of sentence or after five years under supervision and payment of restitution in full. Public hearings. Pardon erases all legal effects of conviction, including sex offender registration and predicate effect. About 300 pardon grants each year.

Judicial expungement & sealing: Expungement for first-offender misdemeanants if no other conviction within three years, for first-time minor drug offenders whose adjudication deferred, and for various other minor first-offenders. Juvenile expungement at age 18 for nonviolent first offenders, with exceptions for serious crimes. Non-conviction records destroyed if charges dismissed or person acquitted.

Consideration of conviction in employment and licensing: Conviction may be considered, but applicant may not be denied a license solely due to a conviction unless the criminal conviction is directly related to the profession/occupation.

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South Dakota

Loss & restoration of civil rights: Vote lost upon conviction of any felony; jury eligibility lost upon conviction of any felony only if actually incarcerated, including a suspended sentence. By statute, office eligibility is same as jury eligibility; by state constitution, office eligibility is same as voting. All civil rights restored upon completion of sentence.

Firearms rights: All firearms rights lost upon conviction for any "crime of violence" and certain drug felonies; restored after 15 years if no other such convictions or by pardon.

Pardon policy & practice: Governor refers applicants to Board of Pardons and Paroles, which must recommend pardon in order to have record sealed. In general, must wait five years to apply. Public hearings; notice to DA and judge with publication in newspaper in county where crime committed. Relieves legal disabilities, no predicate effect. Process takes about six months. In 2014, the Board of Pardons and Paroles implemented a policy that expedites the pardon process for certain nonviolent misdemeanors, with waiting periods of 5 and 10 years. About 30-40 grants annually, 60% of applications.

Judicial expungement & sealing: Records of petty offenses, class 2 misdemeanors, and municipal ordinance violations automatically sealed (removed from public record) after 10 years. Sealing following deferred adjudication for first felony offenders, except for serious offenses (restores person to pre-arrest status). Records of misdemeanor offenses may be destroyed after 10 years. Pardon automatically seals record. Sealing of juvenile records upon petition after a waiting period with finding of rehabilitation. Non-conviction records may be expunged one year after arrest if no charges filed; at any time after acquittal, or after dismissal with consent of prosecutor.

Consideration of conviction in employment and licensing: No general law regulating consideration of conviction.

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Tennessee

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony. Vote restored upon completion of sentence; jury and office eligibility restored by application to the court.

Firearms rights: Handgun rights forfeited upon conviction of felony; violent or drug convictions (including misdemeanors) forfeit all firearms rights. Restoration for nonviolent non-drug felony offenders by pardon, judicial order, expungement, set-aside, or certificate of restoration; restoration for violent or drug crimes by expungement only.

Pardon policy & practice: Governor decides and may consult parole board; governor must report reasons to legislature "when requested." Eligibility after completion of sentence and additional period of good conduct, demonstrated rehabilitation, and need. Public hearing with notice to prosecutor; prior to a grant being made public, governor must notify AG and DA, who notify the victim. Limited legal effect; restores firearms rights for nonviolent non-drug offenses, but does not restore civil or other rights. Pardons infrequent.

Judicial expungement & sealing: Expungement for certain less-serious, nonviolent offenses 5 years after completion of sentence if no more than two convictions, both of which must be eligible (multiple contemporaneous convictions treated as single offense), and only one a felony. Expungement in first-offender deferred adjudication & pretrial diversion cases for misdemeanors and Class D felonies. Expungement of pardoned offenses. Mandatory expungement of juvenile record after one year if solely "misdemeanors"; discretionary expungement for other juvenile records beginning at age 17 after a one-year waiting period with certain eligibility requirements. Expunged convictions treated as if they never occurred, public records destroyed. Court must destroy public records in cases of acquittal or where charges have been dismissed. Courts may also redact conviction records to expunge dismissed charges.

Judicial restoration of rights available upon petition after expiration of sentence if petitioner "merits having full rights of citizenship restored." Individuals who have had or sought to have had rights restored may also petition court for a Certificate of Employability. Persons with qualifying convictions from other states or with federal convictions may apply for restoration of rights and certificates.

New in 2017

Expanded adult conviction expungement availability: As of July 2017, individuals with no more than two eligible convictions may seek expungement. Previously, only first-offenders were eligible.

Expungement fee reduction: As of May 2017, the total cost of expungement has been significantly reduced—from $450 to $280.

Mandatory expungement of juvenile "misdemeanors": As of July 1, 2017, courts must, upon application, expunge the records in "any case in which a child's juvenile record contains convictions solely for unruly adjudications or delinquency adjudications for offenses that would be misdemeanors if committed by an adult." A 1 year waiting period applies.

Consideration of conviction in employment and licensing: Certificates of Employability lift certain licensing disqualifications and protect employers from negligent hiring liability. Licensing standards for some agencies relaxed. Ban-the-Box in public employment (no inquiry into criminal history on initial application, but may inquire after initial screening and must allow applicant to explain; employer must consider certain factors if applicant has criminal record); Memphis ban-the-box ordinance in municipal hiring prevents inquiry into criminal history until conditional offer made.

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TEXAS

Loss & restoration of civil rights: Vote and jury eligibility lost upon conviction of any felony; office eligibility lost upon conviction for bribery, among other offenses. Vote restored upon completion of sentence; jury and office eligibility restored by pardon or gubernatorial restoration of rights.

Firearms rights: All firearms rights lost upon conviction of any felony; restored five years after completion of sentence only for the premises in which the individual lives.

Pardon policy & practice: Governor may not act without affirmative recommendation of Board of Pardons and Paroles. Eligibility upon completion of sentence; misdemeanants may apply. No public hearing. Restores civil rights and removes some legal barriers to employment and licensing; basis for expungement. Process regular but pardons granted sparingly.

Judicial expungement & sealing: Sealing ("order of nondisclosure") for most first-offender misdemeanors, upon completion of sentence or after a two-year waiting period for more serious misdemeanors; effective September 1, 2017, sealing available for first-offender DWI offenses (bac < .15) after 2-5 year waiting period (offenses that result in accident involving another person ineligible). Deferred adjudication may result in sealing for most offenses, with a five-year waiting period for felonies; automatic sealing for many first-offender nonviolent misdemeanors. "Expunction" available for deferred adjudication of class C misdemeanors; non-conviction records, pardoned convictions. Automatic sealing at age 19 for misdemeanor juvenile adjudications and non-conviction records; discretionary sealing upon petition at age 18 or two years after discharge.

New in 2017

Expanded OND eligibility: New 2017 legislation authorizes courts to issue an Order of Non-disclosure for certain first-offender driving while intoxicated offenses that do not result in motor vehicle accidents involving another person.

Automatic juvenile record sealing: 2017 legislation provides for automatic sealing of juvenile non-conviction records and misdemeanor-level adjudication records at age 19. Individuals not eligible for automatic sealing may petition for discretionary sealing at age 18 or two years after discharge, subject to exceptions for more serious offenses.

Consideration of conviction in employment and licensing: Licensing authority may deny, suspend, or revoke license if conviction "directly relates to the duties and responsibilities of the licensed occupation"; if the offense is less than five years old; or if the offense is a specified violent or sexual offense (does not apply to class C misdemeanors). In most cases, deferred adjudication guilty pleas may not be treated as conviction for licensing purposes (excluding law enforcement, education, health, safety, or financial services); only registrable sex offenses, offenses where less than five years have passed since completion of supervision, or offenses that would trigger mandatory licensing bar may be treated as conviction and only if they do not pass the "fitness/risk" assessment. Protection from negligent hiring liability.

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UTAH

Loss & restoration of civil rights: Vote lost upon conviction of any felony or election-related misdemeanor, unless sentenced to probation; jury and office eligibility lost upon conviction of any felony. Vote restored upon completion of sentence or by pardon; jury eligibility restored by expungement; office eligibility restored by expungement or after passage of 10 years since conviction and completion of sentence, including any period of supervision.

Firearms rights: All firearms rights lost upon conviction of any felony; restored by expungement (except violent offenses) or pardon.

Pardon policy & practice: Independent board appointed by the governor; majority vote required with reasons given. Eligibility five years after expiration of sentence, restricted to offenses ineligible for expungement. Public hearings; notice to DA and victim. Restores civil rights. Pardons infrequent.

Judicial expungement & sealing: All but serious and violent offenses may be expunged after a 3–10 year waiting period, and order must issue unless court finds this would be "contrary to public interest." Eligibility may also depend upon prior record, though disqualifying offenses have been restricted in recent years. Pardon entitles person to expungement. Juvenile records may be expunged after reaching age 18 following a one-year waiting period if no adult criminal record. Expungement of non-conviction records available if acquittal or charges dismissed 30 days after arrest took place; Class C misdemeanors receiving deferred adjudication also may qualify.

Consideration of conviction in employment and licensing: Ban-the-box in public employment (no inquiry into criminal history until interview or conditional offer made). Persons with expunged convictions may respond to inquiry as if conviction never occurred, but licensing agency, state office of education and peace officer standards training may receive information on expunged records upon request.

New in 2017

Ban-the-box in public employment: As of May 2017, public employers may not require an applicant to disclose convictions on an employment application or before an initial interview (or after a conditional offer of employment is made if no interview takes place). Exceptions apply for a number of positions.

Expungement eligibility expanded: 2017 amendments limit the types of prior offenses that can defeat eligibility for expungement. Under the amended law, infractions, traffic offenses, and "minor regulatory offenses'" will no longer count against expungement eligibility. The same legislation also provides that pardoned convictions do not count against expungement eligibility.

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VERMONT

Loss & restoration of civil rights: Vote and office eligibility not lost. Jury eligibility lost upon conviction of any felony; restored only by pardon.

Firearms rights: No firearms rights lost under state law, but court may prohibit possession of firearms as a condition of probation.

Pardon policy & practice: Governor decides and may consult parole board. Eligibility generally 10 years after conviction; must show rehabilitation, benefit to society, and employment-related need. No hearing. Restores rights and relieves disabilities, including firearms. Pardons infrequent.

Judicial expungement & sealing: Uniform Collateral Consequences of Conviction Act (UCCCA) authorizes targeted relief from court at sentencing (Order of Limited Relief), and more thorough relief after five years (Certificate of Restoration of Rights). Persons with convictions from other states or with federal convictions are eligible for relief under these provisions.

Expungement or sealing available for "qualifying" crimes (nonviolent non-sexual misdemeanors and three minor felonies (four, effective July 2018)) after a 5-year waiting period if no further convictions (if subsequently convicted, must wait minimum of 10 years if no felonies and no misdemeanor convictions within prior 5 years). Deferred sentencing and diversion may result in expungement; sealing available under first-offender diversion program two years after successful completion. Convictions for offenses committed under age 21 may be sealed two years after discharge if deemed rehabilitated. Expungement or sealing of non-conviction records of same "qualifying" crimes if charges not brought or dismissed before trial, or if government agrees.

Consideration of conviction in employment and licensing: In over 40 professions, conviction of any felony or a crime "related to" the profession is grounds for denial of license. Ban-the-box in public and private employment (no inquiries into criminal history until interview or otherwise deemed qualified; inquiry on initial application only into convictions that would trigger disqualification). UCCCA includes negligent hiring protections.

New in 2017

Expungement waiting periods reduced: Legislation that took effect in July 2017 reduces the waiting period for adult conviction expungement or sealing from ten years to five years. The legislation also significantly reduced the waiting period extension triggered by a subsequent conviction -- from a 20-year minimum to a ten-year minimum -- and reduced the time a person must wait before re-filing after denial from five years to two years, and added a provision for judicial waiver of the waiting period.

Expungement of convictions for decriminalized conduct: Effective July 2017, there is a presumption in favor of expungement of convictions for conduct that is no longer a crime. The one-year waiting period that previously applied to such expungement was also eliminated.

Ban-the-box in public & private employment: Per a 2016 statutory enactment effective July 1, 2017, no public or private employer may inquire about an applicant's criminal history on an initial employment application. Inquiries into criminal history may only be made during an interview or after the employee has been deemed otherwise qualified for the position. Exceptions apply for a number of positions.

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VIRGIN ISLANDS

Loss & restoration of civil rights: All civil rights lost upon conviction of any crime for which a prison sentence of more than a year is imposed; restored by pardon.

Firearms rights: A person convicted of a crime punishable by imprisonment for a term exceeding one year is ineligible for a license to carry a firearm; restored by pardon.

Pardon policy & practice: Governor has power to pardon offenses of local laws. No information on process.

Judicial expungement & sealing: Expungement of misdemeanor convictions upon petition to court, and of any offense after 5-year waiting period if under age 21 when offense committed. Deferred adjudication for nonviolent first offenders and first-time drug possessors, with expungement if under age 21 when offense committed. Mandatory expungement of non-conviction records.

Consideration of conviction in employment and licensing: No general law regulating consideration of conviction.

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VIRGINIA

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony; restored by gubernatorial restoration of rights (case-by-case restoration of voting rights by Gov. McAuliffe).

Firearms rights: All firearms rights lost upon conviction of any felony and certain juvenile adjudications; restored by court order or pardon.

Pardon policy & practice: Governor decides and may consult parole board; governor must report pardons, with reasons, to legislature annually. Three kinds of pardon: "conditional" (commutation), "absolute" (innocence); and "simple" (forgiveness). "Simple" pardon does not expunge but serves as official forgiveness and removes some employment and education barriers; Governor may also grant restoration of rights. Five-year eligibility waiting period for simple pardon; no hearing. Pardons more frequent under Gov. McAuliffe; rights restorations freely available upon determination of eligibility.

Judicial expungement & sealing: Deferred adjudication, but no expungement, for certain first-time drug offenders. Absolute pardon entitles person to expungement. Automatic destruction of most juvenile records if person is at least age 19 and five years have elapsed since any juvenile hearing in any case, with several exceptions. Non-conviction records may be expunged where case results in acquittal, nolle prosequi, or dismissal.

Consideration of conviction in employment and licensing: May not be denied a license "solely because of" a conviction unless directly related to the occupation/profession for which a license is sought, with factors specified. Conviction may be considered in determining applicant's fitness for the occupation/profession. Ban-the-box in public employment by executive order (criminal record question removed from initial application; no background checks until candidate has signed waiver and is being considered for specific position).

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WASHINGTON

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony. Vote provisionally restored if an individual is no longer in custody; fully restored upon completion of sentence by court order or gubernatorial restoration of rights. Jury and office eligibility restored upon completion of sentence by court order or certificate of restoration issued by State Clemency and Pardons Board.

Firearms rights: All firearms rights lost upon conviction of violent, drug, or sex offenses; restored by pardon or by court order after waiting period based on a finding of rehabilitation.

Pardon policy & practice: Governor decides and may consult Clemency and Pardons Board; governor must report pardons, with reasons, to legislature. No eligibility criteria. Public hearing; DA and victim notified. Relieves all legal disabilities and vacates conviction. Process regular but pardons granted sparingly.

Judicial expungement & sealing: All but the most serious offenses may be "vacated" after 5–10 year waiting period; most misdemeanors eligible after 3–5 year waiting period. Pardon automatically vacates conviction. Limited authority to seal court records under General Rule 15. Automatic sealing of juvenile records of adjudication (except serious, sex, and drug offense) upon satisfaction of terms and conditions of disposition (contested hearing if state objects or court finds compelling reasons not to seal); juvenile offenses ineligible for automatic sealing may be sealed after a crime-free 2-5 year waiting period. Juvenile diversion records may be destroyed by court, or automatically in some situations. No statutory authority for sealing court records, but records repository may seal non-conviction records two years after disposition favorable to defendant.

Court-issued Certificates of Restoration of Opportunity (CROP) prohibit licensing agencies from disqualifying individuals based on criminal conviction, and protect against negligent hiring liability.

Consideration of conviction in employment and licensing: May consider a conviction only if within the last 10 years and the crime "directly relates" to the employment or license sought; several exceptions apply. See above on court-issued Certificates of Restoration of Opportunity.

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WEST VIRGINIA

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony or bribery in an election. Vote restored upon completion of sentence; jury eligibility restored by pardon; office eligibility restored upon completion of sentence for felonies and only by pardon for bribery of state officials.

Firearms rights: All firearms rights lost upon conviction for crimes punishable by imprisonment of at least one year and domestic violence misdemeanors. Restored by petition to court, expungement, set-aside, or unconditional pardon; pardon necessary for felonies involving violence, drugs, or sexual offenses.

Pardon policy & practice: Governor decides and may consult parole board; governor must report pardons, with reasons, to legislature. No eligibility criteria. No public hearing; board must notify DA and judge before making recommendation. Lifts most legal barriers; does not restore firearms rights. Pardons rare.

Judicial expungement & sealing: Youthful (age 18-26) first misdemeanor convictions may be expunged after one year; violent crimes, DUI, and crimes against children offenses excluded. Effective July 2017, many nonviolent non-sexual felony offenses may be reduced to misdemeanors after 10 years, but ineligible for expungement. Pardon is basis for expungement after one year and at least five years after discharge of sentence. Automatic juvenile sealing after a one-year waiting period or upon reaching age 18 unless the case is transferred to adult court. Non-conviction records may be expunged unless person has a prior felony conviction.

New in 2017

Felony offense reduction: As of July 2017, courts will have discretionary authority to reduce many non-violent felony offenses to "reduced misdemeanors" after a 10-year waiting period.

Consideration of conviction in employment and licensing: No general law regulating consideration of conviction, but some professions require the conviction to be "directly related" to the activity for which a license is sought. Reduced misdemeanor need not be disclosed as felony on any type of application. Protection against negligent hiring liability regarding reduced misdemeanors.

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WISCONSIN

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony or bribery. Vote and jury eligibility restored upon completion of sentence; office eligibility restored by pardon.

Firearms rights: All firearms rights lost upon conviction of any felony; restored by pardon.

Pardon policy & practice: Governor decides and must communicate pardons, with reasons, to legislature annually. Five-year eligibility waiting period; misdemeanants ineligible unless waiver granted. Public hearing; notice to DA, judge, and victim and published in county newspaper. Relieves legal disabilities but does not expunge or seal conviction. Past practice varied according to incumbent governor; no pardons under present governor (Walker).

Judicial expungement & sealing: Misdemeanor and minor felony convictions may be expunged only if committed before age 25, and only if the court authorizes at the time of sentencing. Deferred prosecution in domestic violence and some sex offense cases may lead to dismissal of charges, no conviction. Juvenile expungement upon reaching age 17 with finding of offender benefit and no harm to society. No provision for judicial sealing or expunging non-conviction records.

Consideration of conviction in employment and licensing: Fair employment law bars discrimination by public and private employers and licensing boards unless the crime "substantially relates" to the specific job or licensed activity. Employer may not rely on expunged conviction to establish substantial relationship. Ban-the-box for civil service employment (no inquiries into criminal history until applicant "certified" for position).

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WYOMING

Loss & restoration of civil rights: All civil rights lost upon conviction of any felony; restored by pardon or gubernatorial restoration of rights. Vote restored for first-time nonviolent felony offenders whose sentence was completed after Jan. 1, 2016, by certificate of restoration of voting rights, which department of corrections is required to issue.

Firearms rights: All firearms rights lost for any "violent felony" or drug offense; restored only through pardon. Handgun rights lost for violent misdemeanors within three years or drug misdemeanors within one year; restored only through expungement.

Pardon policy & practice: Governor decides and must report pardons, with reasons, to legislature every two years. Eligibility for pardon 10 years after sentence; 5 years for restoration of rights. Sex offenses ineligible for either form of relief. No public hearing. Relieves legal disabilities but does not expunge. Pardons granted regularly but sparingly.

Judicial expungement & sealing: Certain felony convictions may be expunged 10 years after completion of sentence if no other felony convictions; court must find applicant is not a danger; certain misdemeanors may be expunged after five years if offense did not involve use of a firearm. Deferred sentencing for first felony offenders and misdemeanants, excluding certain serious crimes, but expungement is specifically prohibited. Juvenile expungement upon petition after reaching age 18, with showing of rehabilitation. Expungement of non-conviction records 180 days after dismissal of proceedings if no charges pending.

Consideration of conviction in employment and licensing: No general law regulating consideration of conviction.

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APPENDIX A: 50-STATE COMPARISON OF PARDON AUTHORITIES

State	Type of administration	Type of process	Eligibility requirements	Effect	Frequency of grants	Alternative restoration
AL	Independent board appointed by governor exercises pardon power, except governor has authority in capital cases. Ala. Const. amend. 38 (amending Art. V § 124); Ala. Code §§ 15-22-20 through 15-22-40. The board must make a full annual report to the governor. § 15-22-24(b).	Public hearings at regular intervals; 30 days' notice must be given to the attorney general, prosecutor, sentencing judge, chief of police and the county sheriff, and the victim. Ala. Code § 15-22-23l. Each board member gives reasons for vote. Process takes about one year.	Following completion of sentence, incl. fine, no pending charges, or after 3 years "permanent parole" unless pardon sought for actual innocence. Ala. Code § 15-22-36(c). Federal and out-of-state offenders eligible.	Only as specified in grant (full pardons rare); predicate unless expressly provided. Ala. Code § 15-22-36.	Frequent and Regular:More than 500 pardons granted annually; 2000+ restoration of rights.	None.
AK	Governor decides, parole board must be consulted but advice not binding. Alaska Const. art. III, § 21; Alaska Stat. § 33.20.080.	No formal regulations, no public hearing. Parole board staff investigates, consults with DA and court, prepares confidential recommendation to governor. Alaska Stat. § 33.20.080.	Parole board staff must find a person eligible to apply on merits.	Conviction set aside may not serve as predicate or be used by licensing board.	Rare:Only three pardons since 1995.	Judicial set aside after deferred sentencing. Alaska Stat. § 12.55.085 et seq.
AZ	Governor decides, may not act without affirmative clemency board recommendation. Ariz. Const. art. V, § 5; Ariz. Rev. Stat. § 31-402(A). Governor must publish reasons for each grant, and report regularly to legislature. Ariz. Rev. Stat. §§ 31-445, -446.	Board meets monthly; must publish application, hold public hearing, publish recommendation to governor with reasons. Ariz. Rev. Stat. §§ 31-401, 31-402.	Any Arizona felony offender. Ariz. Rev. Stat. § 31-402.	Pardon relieves legal consequences, but conviction must still be reported and is given predicate effect. 68 Ariz. Op. Att'y Gen. 17.	Infrequent: Pardons increasingly rare since 1990; Gov. Brewer issued only 12 pardons in her 6 years in office, all in her last year. Governor Ducey has issued no pardons to date.	Judicial set-aside for non-serious offenders; court restores firearms. Ariz. Rev. Stat. §§ 13-905 through 13-907.
AR	Governor decides, parole board must be consulted but advice not binding. Ark. Const. art. VI, § 18; Ark. Code Ann. § 16-93-204(a). Governor must report to legislature on all grants with reasons. Ark. Const. art. VI, § 18.	No public hearing. Parole board must give 30 days' prior notice of favorable recommendation, and governor must give 30 days' public notice (including statement of reasons) to prosecutor and victim. Ark. Code Ann. §§ 5-4-607(d)(1);16-93-204(c)(1); 16-93-207(a).	No restrictions. Federal and out-of-state offenders are eligible to apply. Ark. Const. art. VI, § 18; Ark. Code Ann. § 16-93-204.	Relieves legal disabilities, grounds for expungement in most cases; firearms separately restored. No predicate or enhancement. Ark. Code Ann. §§ 16-93-301 to 16-93-303.	Frequent and Regular:About 100 grants each year, 300-500 applications annually.	Sealing for first offenders and probationers. Ark. Code Ann. § 16-93-1201 et seq.; § 5-4-311.

State	Type of administration	Type of process	Eligibility requirements	Effect	Frequency of grants	Alternative restoration
CA	Governor decides, parole board may be consulted. For recidivists, board must be consulted, majority of supreme justices must recommend.. Cal. Const. art. V, § 8; Cal. Penal §§ 4800, 4812-4813, 4852.16. Governor report grants to legislature, including facts and reasons for grants. Cal. Const. art. V, § 8; Cal. Penal § 4852.16.	No provision for public hearing. Certificate of rehabilitation from court (PD representation), or direct application to board if non-resident or misdemeanant. Cal. Penal Code § 4852 et seq.	10 years after completion of sentence.	Described as "an honor," restores civil rights and removes occupational bars, but no expungement; guns separately restored. Maybe used as predicate. Cal. Penal Code §§ 4852.15, 4853.	Frequent and regular:Very few pardons between 1990 and 2011, but Jerry Brown has granted 399 pardons through December April 2014.	Set-aside for probationers; certificate of relief. Cal. Penal Code § 1203.4(a).
CO	Governor decides ("subject to such regulation as may be prescribed by law relative to the manner of applying"). Colo. Const. art. IV, § 7. Non-statutory advisory scheme; Governor sends legislature "a transcript of the petition, all proceedings, and the reasons for his action." Colo. Const. art. IV, § 7.	No hearing, governor as a matter of policy seeks views of corrections authorities, DA and judge. Colo. Rev. Stat. §§ 16-17-101; 16-17-102.	No eligibility restrictions.	Restores civil rights and firearms privileges, assists with licensing and employment, recognizes meritorious achievement and rewards exceptional citizenship.	Infrequent: Pardons infrequent since 1990s, although Governor Bill Ritter issued almost 30 pardons at the end of his term.	Drug convictions may be sealed after waiting periods from 3 to 10 yrs. Colo. Rev. Stat. § 24-72-308.6.
CT	Independent board appointed by governor exercises pardon power. Conn. Gen. Stat. § 54-124a(f).	Public hearings at regular intervals at which applicant must be present, with reasons for denial given. Board may dispense with hearing in certain classes of cases. Process takes about one year. Conn. Gen. Stat. § 54-124a(e)?(k).	5 years following completion of sentence; misdemeanants may apply. Provisional pardon/Certificate of Relief may be sought any time after sentencing. Conn. Gen. Stat. § 54-130e(b).	Relieves all legal disabilities, court may "erase" conviction; "erased;" may be predicate unless records destroyed. Provisional pardon relieves one or more "barriers and forfeitures." Conn. Gen. Stat. § 54-142a(d).	Frequent and Regular:About 400 pardon grants annually, including provisional pardons (about 30% of applicants get hearing, most of those granted); more than half to misdemeanants.	None; law prohibits discrimination in licensing and employment. Conn. Gen. Stat. § 46a-80.
DE	Governor decides, may not act without affirmative clemency board recommendation. Del. Const. art. VII, § 1. Governor must report periodically to legislature. Id.	Pardon board, chaired by lieutenant governor, public hearings at regular intervals, recommendations and reasons announced. Favorable recommendations sent to governor. Process takes about six months. Del. Const. art. VII; Del. Code. Ann. tit.11, § 4362.	3-5 years following completion of sentence, absent hardship; misdemeanants may apply.	Relieves disabilities except constitutional prohibition against holding state office for "infamous offense." May be used as predicate and to enhance subsequent sentence.Del. Code. Ann. tit. 11, § 4364.	Frequent and Regular:Over 250 pardons annually in recent years, (about 85% of applications received are approved by Board and 90% of those granted by governor). Applications have tripled since 2005.	Expungement for deferred adjudication and diversion, pardoned misdemeanor convictions. Del. Code Ann. tit. 11, §§ 4371-4375.
DC	President decides under a non-statutory advisory scheme. U.S. Const. art II, § 2.	Informal process described in 28 C.F.R. Part 1 and United States Attorneys Manual. No time limit, and applications may remain pending for years.	5 years after sentence or release from confinement. 28 C.F.R. Part 1.	Relieves legal disabilities and signifies rehabilitation and good character. May be used as predicate. 1995 WL 861618 (1995).	Rare:Only a handful of DC offenders have been pardoned by the president since 1980.	Expungement of minor D.C. Code offenses. D.C. Code § 16-801 et seq.

State	Type of administration	Type of process	Eligibility requirements	Effect	Frequency of grants	Alternative restoration
FL	Governor decides with concurrence of two cabinet officials. The governor and three cabinet officials act as pardon board. Fla. Const. art. IV, §8 (a); Fla. Stat. ch. 940.01, 940.05. Governor reports to legislature each restoration and pardon. Id. at 940.01.	Public hearing for pardon, and for restoration of rights for many offenders (offenses specified in clemency rules). Hearings are held on a quarterly basis, DA and victims notified. Separate process for firearms restoration.	Eligibility immediately following completion of sentence. Out-of-state and federal offenders eligible for ROR but not pardon (R. 9D).	ROR restores vote and other basic civil rights. (R. 4F). .Pardon "unconditionally releases the person from punishment and forgives guilt." Id. Restores firearms rights. Id. at 4A. May be used as predicate.	Sparing: 20-40 pardon grants annually between 2006 and 2010; 20-30 firearms restoration grants annually (about half of applications). Restorations of rights number in thousands.	Sealing and expungement for misdemeanors and minor felonies.Fla. Stat. ch. 943.0585(1)(b)(1); 943.0585. Deferred adjudication. Fla. Stat. ch. 948.01(2).
GA	Independent board appointed by governor exercises pardon power. Ga. Const. art. IV, § 2, para. II. Board must report annually to legislature, the Attorney General and the Governor. Ga. Code Ann. § 42-9-19.	Paper review, no public hearing. Board decides cases by majority vote, and in a written opinion. Ga. Code Ann. §§ 42-9-42(a) and (b); 42-9-43.	5 years following discharge; out-of state offenses eligible for restoration of rights but not pardon. Drug and violent offenses ineligible to apply by Board policy.	Relieves all legal disabilities except return to public office. May be used as predicate. Ga. Code Ann. § 42-9-54; Morris v. Hartsfield, 197 S.E. 251 (Ga. 1938).	Frequent and Regular:Between 300-400 pardons w/o gun rights; 100 pardons w/ gun rights, several hundred "restoration of rights"(approx. 35% of applicants); immigration pardons.	Deferred adjudication and 'exoneration' for first offenders. Ga. Code. Ann. § 42-8-60 et seq.
HI	Governor decides, parole board may be consulted. Haw. Const., art. V, § 5; Haw. Rev. Stat. § 353-72.	No public hearing; parole boards interviews applicant, recommends to AG's office, which conducts independent investigation and makes recommendation to governor. Process takes 8 months. Haw. Rev. Stat. § 353-72.	No eligibility requirements.	A pardon will state that the person has been rehabilitated, relieves legal disabilities and prohibitions. No expungement, may be used as predicate. Haw. Rev. Stat. §§ 353-62, 353-72.	Uneven: Governor Abercrombie issued 33 pardons, fewer than his predecessors. Governor Lingle granted 132 pardons in 8 yrs., 55 in her last year (2010). About 50 applications filed per year.	Deferred adjudication and expungement; state FEP laws includes conviction. Haw. Rev. Stat. §§ 853-1; 831-3.
ID	Independent board appointed by governor decides all but violent and drug offenses, which must be approved by governor. Idaho Const. art. IV, § 7; Idaho Code Ann. §§ 20-210, 20-240.	Public hearing at regular intervals; reasons for each action must be filed with Secretary of State. Idaho Code §§ 20-210, 20-240; see IDAPA § 50.01.01.	Three years for non-violent offenses, five years for violent. Idaho Code § 18-310(3).	Relieves certain legal disabilities, including firearms.Idaho Code § 18-310.	Frequent and Regular:In recent years 20-30 grants annually, from 30-60% of applications filed.	Deferred adjudication but no expungement; ex. for some juvenile offenses.Idaho Code § 19-2601 et seq.
IL	Governor decides, although "the manner of applying therefore may be regulated by law." Ill. Const. art. V, § 12. Prisoner Review Board authorized to provide advice to governor. 730 Ill. Comp. Stat, Ann. 5/3-3-1(a)(3).	Public hearings at regular intervals before the Prisoner Review Board, which makes confidential recommendations to Governor. 730 Ill. Comp. Stat. 5/3-3-1 et seq.	No eligibility requirements.	Relieves legal disabilities; expungement may be authorized by the grant. People v. Glisson, 358 N.E.2d 35 (Ill. App. Ct. 1976).	Uneven, varies with administration: Between 2009 and April 2014, Gov. Quinn granted 1075 pardons, about half of those that applied. Since 2014 many fewer granted by Governor Rauner, though still regular practice. Board hears 800 applications each year.	Judicial certificates; sealing for certain misdemeanors and minor felonies. 730 Ill. Comp. Stat. 5/5-5.5-5 et seq.; 20 Ill. Comp. Stat. 2630/5 et seq.

State	Type of administration	Type of process	Eligibility requirements	Effect	Frequency of grants	Alternative restoration
IN	Governor decides, "subject to such regulations as may be provided by law." Ind. Const. art. 5, § 17. Parole board makes advisory recommendations to governor. Ind. Const. art. 5, § 17; Ind. Code §§ 11-9-2-1 to 11-9-2-3. Governor reports to legislature. Ind. Const. art. 5, § 17.	Public hearing; parole board notifies victim, court, and DA; conducts investigation and holds hearing at which petitioner and other interested parties are may present their position.Ind. Code § 11-9 et. seq.	Recent governors have required a 5-year waiting period and evidence of rehabilitation. 15 years for firearms restoration.	Pardon wipes out both the punishment and the guilt, basis for expungement.Kelley v. State, 185 N.E. 453 (Ind. 1933). See also State v. Bergman, 558 N.E.2d 1111 (Ind. Ct. App. 1990); Ind. Code § 35-47-2-20(a); § 11-9-2-4.	Sparing: Gov. Pence issued only three pardons. Gov. Daniels granted 62 pardons during his eight years in office, acting favorably on about half of those recommended by board.	Expungement for most offenses; sealing for misdemeanors, Class D felonies, and nonconviction records. Ind. Code § 35-38-9; § 10-13-3-27(a).
IA	Governor decides "subject to such regulations as may be provided by law." Iowa Const. art. IV, § 16. Parole board authorized to provide advice. Iowa Code §§ 914.1-914.7. , Governor reports to legislature on pardons issued and reasons. Iowa Const. art. IV, § 16.	Paper review, no public hearing for pardon and restoration of rights. Separate firearms restoration procedure. Iowa Code § 914 et seq.	10 years for pardon, 5 years for firearms; no waiting period for restoration of rights. Out-of-state and federal eligible for ROR. Iowa Code § 914.2.	Pardon relieves of all legal disabilities (incl. public employment disabilities). See Slater v. Olson, 299 N.W. 879 (Iowa 1941). Restoration of rights restores right to vote and hold public office, may also restore firearms rights.	Uneven, varies with administration: Average of 35 full pardons each year between 2005 and 2011 (fewer since 2009 and in recent years increasingly rare), with another 30-60 grants to restore civil rights and firearms privileges	Restoration of gun rights by governor; Deferred adjudication and expungement for some first offenders.Iowa Code §§ 907.3; 914.7
KS	Governor decides, subject to regulations and restrictions by law. Kan. Const. art. I, § 7. The governor required to seek the advice of the prisoner review board, though not bound to follow it, Kan. Stat. Ann. § 22-3701(4). Reports to legislature on each pardon application but need not give reasons. Kan. Stat. Ann. § 22-3703.	Paper review. Applicant must publish a copy of the application in a newspaper in county of conviction at least 30 days before grant or pardon is void. Applicant must also provide notice of application to DA, judge and victim. Kan. Stat. Ann. § 22-3701 et seq.	No eligibility requirements, except that only Kansas state convictions are eligible to be pardoned or commuted. Kan. Stat. Ann. § 22-3701.	Pardon removes disabilities imposed under state law, but does not expunge conviction or lift bar to service as a law enforcement officer.Cf.Kan. Att'y Gen. Op. No. 85-165 (1985). May be used as predicate.	Rare: Pardons very rare, primarily for miscarriage of justice	Expungement for many felony offenses. Kan. Stat. Ann. § 21-4619 et seq.
KY	Governor decides, parole board may be consulted. Ky. Const. § 77. Governor may also restore rights of citizenship, office. Id. §§ 145, 150. Governor reports to legislature reasons for each grant. Id. § 77.	No public hearing. Pardon applications sent directly to the governor with reasons for seeking relief and letters of recommendation. Simplified ROR process administered by DOC. Ky. Rev. Stat. Ann. § 439 et seq.	For restoration of rights, expiration of sentence with no pending charges. For pardon 7-year waiting period. Federal and out-of-state offenders eligible for restoration of rights.Arnett v. Stumbo, 153 S.W.2d 889 (1941).	Restoration of citizenship restores a person's right to vote and eligibility for jury service. A full pardon relieves additional legal disabilities.May be used as predicate. Ky. Const. § 145(1).	Uneven: Pardons during term have been rare, but current governor (Bevin) may depart from this practice, announcing 10 pardons in July 2017 and indicating there would be more. ROR to restore vote frequent.	Misdemeanor expungement. Ky. Rev. Stat. Ann. § 431.078.

State	Type of administration	Type of process	Eligibility requirements	Effect	Frequency of grants	Alternative restoration
LA	"Upon favorable recommendation of the Board of Pardons," the Governor may pardon "those convicted of offenses against the state."La. Const. art. IV, § 5(E)(1); La. Rev. Stat. Ann. § 15:572(A).	Regular public hearings, approval by four of five board members; DA and victim notified by board, and by applicant through publication of application in newspaper. La. Const. art. IV, § 5(E)(2); La. Rev. Stat. Ann. 15:572.1.	Completion of sentence, plus payment of costs. La. Const. art. IV, § 5(E)(1); La. Rev. Stat. Ann. § 15:572(A); see Op. La. Att'y Gen. No. 04-0080 (2005).	Full pardon restores to "status of innocence," conviction cannot be used to enhance punishment. State v. Riser, 30,201 (La. App. 2 Cir. 12/12/97).	Infrequent/uneven:In 4 years, Gov. Jindal issued 36 pardons and commuted one sentence, failing to act on hundreds of recommendations from the Board. Previous governors granted 331 (in 4 years) and 476 (in 8 years). Edwin Edwards granted over 3,000 in 16 years.	Deferred adjudication and expungement. La. Const. art. IV, § 5(E)(1); La. Rev. Stat. Ann. § 15:572(B)(1).
ME	Governor decides, subject to regulation "relative to the manner of applying." Non-statutory advisory scheme. Me. Const. art. V, pt. 1, § 11.	Public hearings at regular intervals; board makes confidential recommendations to governor. Parole board conducts investigation. Applicant notifies DA, publishes notice of hearing in a newspaper 4 weeks beforehand. Me. Rev. Stat. Ann. tit. 34-A, § 5210(4); tit. 15, § 2161.	5 years following completion of sentence.	Relieves legal disabilities. Me. Rev. Stat. Ann. tit. 16, §§ 611-622.	Infrequent/uneven: As of April 2013, Gov. Lepage had granted only about 30 pardons since taking office in 2011 . Between 2002 and 2011, Governor Baldacci granted 131 pardons, 51 in his final year. In past about 50 hearings each year, 25% result in pardon.	No other relief provided
MD	Governor decides, parole board may be consulted. Md. Const. art. II, § 20; Md. Code Ann., Correctional Services § 7-206(3)(ii). Constitution requires governor to publish notice of intention to grant, and to report grants to legislature with reasons. Md. Const. art. II, § 20.	Paper review by Parole Commission, whose recommendations to the governor are not binding.Md. Code Ann. § 7-206(3)(ii).	Felony convictions must have 10 crime-free years to be eligible (seven if Parole Commission waiver granted); misdemeanants must have 5 crime-free years. 20-year wait for crimes of violence and drugs (or 15 if waiver granted).	Pardon lifts all disabilities and penalties imposed. Firearms privileges must be specifically restored in pardon document. Non-violent first offenders entitled to expungement.	Sparing/Uneven: As of August 2017, Governor Hogan had granted no pardons. Governor O'Malley granted about 150 pardons in his eight years in office, Ehrlich (2003-2007) granted 228 pardons out of a total of 439 applications.	Probation before judgment and expungement.Md. Code Ann., Crim. Proc. § 6-220(b)(1); § 10-105(a)(8).

State	Type of administration	Type of process	Eligibility requirements	Effect	Frequency of grants	Alternative restoration
MA	Governor may not act without affirmative recommendation of Governor's Council. Mass. Const. pt. 2, ch. II, sec. I, art. VIII. Governor must report to legislature annually with a list of pardons granted, but not required to give reasons. Mass. Gen. Laws ch. 127, § 152 (2011).	Petitions filed with Parole Board, which recommends to Governor and Council. Mass. Gen. Laws ch. 127, § 152 (2011). Public hearing, referral to AG, DA, court, notice to victim. 120 Mass. Code Regs. 902.02-.12 (2011). Public report to governor and Council. Mass. Gen. Laws ch. 127, § 154 (2011).	15 years after conviction or release from prison for felonies, 10 years for misdemeanors.Governor's Executive Clemency Guidelines (April 22, 2003) at 2.	The governor, upon granting a pardon, orders the records of a state conviction sealed; thereafter, the records of the conviction may not be accessed by the public, and existence may be denied. Mass. Gen. Laws ch. 127, § 152 (2011).May be used as predicate.	Rare:Pardons infrequent since early 1990s, only four since 2002 (by Governor Patrick at the end of his term).	Sealing available for felonies after 5 years, misdemeanors after 10. Mass. Gen. Laws ch. 276, § 100A.
MI	Governor decides, parole board must be consulted but advice not binding.Mich. Const. Art. 5, § 14; Mich. Comp. Laws §§ 791.243, 791.244. Mustinform the legislature annually of pardons and reasons. Const. Art. 5, § 14.	All applications referred to the board; if board decides to hold hearing, relevant officials must be notified. Recommendation of the board is a matter of public record. Mich. Comp. Laws § 791.244.	No eligibility criteria	Pardon "releases the punishment and blots out of existence the guilt, so that in the eye of the law the offender is as innocent as if he had never committed the offense." People v. Van Heck, 651 N.W.2d 174, 179 (Mich. App. 2002).	Infrequent/uneven: Pardons rare prior to 2006 (only 34 pardons between 1969 and 2006). Gov. Granholm granted 20 pardons, 100 commutations; Rick Snyder granted no pardons during first term, 11 at start of second.	First offender set-aside; probation before judgment for drug offenders. Mich. Comp. Laws § 780.621l; § 333.7411.
MN	Governor and high officials (attorney general, chief justice) act as board exercising power. Minn. Const. art. V, § 7. Board required to report to legislature by February 15 each year. Minn. Stat. § 638.075.	Commissioner of corrections screens applications, decides which cases should be heard by board. Minn. Stat. § 638.07. Public hearing, notice to officials and victim, decision announced at conclusion of hearing.	For "pardon extraordinary," 5 crime-free years from final discharge for nonviolent crimes, or 10 crime-free years from final discharge for "violent" offenses. Minn. Stat. §638.02.	A "pardon extraordinary" restores all rights, including firearms rights, and has "the effect of setting aside and nullifying the conviction," so that it need not be disclosed. Minn. Stat. § 638.02. Does not seal or expunge the record, may be used as predicate.	Frequent and regular: 10-25 pardons each year, about half of those whose cases are heard. In 2015 and 2016, over a third of of those who applied were granted a pardon extraordinary.	Common law and (narrow) statutory expungement. Minn. Stat. § 609A.
MS	Governor decides, parole board may be consulted. Miss. Const. art. 5, § 124. Miss. Code Ann. § 47-7-5(3).	Applicants publish notice 30 days before applying, stating reasons. Miss. Const. art. 5, § 124. Facially meritorious cases sent to the parole board, which investigates and holds hearing. Board reports to Governor and legislature annually. Miss. Code Ann. § 47-7-15.	Seven years since completion of sentence by governor's office policy.	Pardon restores civil rights and removes employment disabilities, gun restrictions, obligation to register. No expungement.	Infrequent/uneven. No regular process. Almost 200 post-sentence pardons at end of Barbour's term considered irregular and unusual.	First misdemeanor and a few minor felony convictions may be expunged. Miss. Code Ann. § 99-19-71.
MO	Governor grants reprieves and pardons, subject to rules and regulations prescribed for "the manner of applying." Mo. Const. art. IV, § 7. Parole board must be consulted, but advice not binding. Mo. Rev. Stat. § 217.800.2.	Applications referred to board for investigation and recommendation. See Mo. Rev. Stat. § 217.800.2. No provision for public hearing. Board meetings on clemency matters may be closed to public. Mo. Rev. Stat. § 217.670.5.	If still in jail, apply at any time. If out, eligible three years from discharge.	Pardon "obliterates" conviction, relieves of all obligations associated with the conviction (including obligation to register as sex offender). No predicate effect. No expungement.	Infrequent/uneven: Governor Nixon granted 110 pardons during his eight years in office (2009-2017), but prior to that very few in recent years. Number of applications has increased dramatically, in part because of extension of firearms restrictions to long guns in 2008.	Bad check convictions, some public order misdemeanors, andfirst-time minor alcohol offenses may be expunged. Mo. Rev. Stat. §§ 610.140, § 577.054(1). Sealing of some cases sentenced to probation. § 311.326.

State	Type of administration	Type of process	Eligibility requirements	Effect	Frequency of grants	Alternative restoration
MT	Governor may grant pardons and commutations, and must consult with board of pardons and paroles, but since March 2015 he may grant clemency even if board recommends denial. Mont. Const. art. VI, § 12; Mont. Code Ann. §§ 46-23-104(4), 46-23-301(3)(b). Governor must report grants to legislature including reasons. § 46-23-316.	Board may hold a hearing in meritorious cases where all sides are heard and a record made, but is not required to do so. Governor may ask the Board to hold a hearing if it has declined to do so. See Mont. Code. Ann. § 46-23-301(3)(b).	No eligibility criteria.	Pardon removes "all legal consequences" of conviction, including licensing bars, and is grounds for expungement.	Infrequent: Between 2005 and present, only 25 individuals pardoned.	Deferred adjudication and expungement. Mont. Code. Ann. § 46-18-201.
NE	Governor and high officials (secretary of state and attorney general) act as board of pardon which exercises power. Neb. Const. art. IV, § 13. Governor chairs board.	Public hearings held quarterly, victims notified. No reasons given. Board of Parole may advise the Board of Pardon "on the merits of any application . . . but such advice shall not be binding on them." Neb. Const. art. IV, § 13. Process takes about one year.	Informal rule of 10 years following completion of sentence for felonies, 3 years for misdemeanors.	Restores civil rights other than vote; gun rights must be separately restored. Neb. Rev. Stat. § 83-1,130.	Frequent and Regular:Over 100 pardons granted each year between 2002 and 2013, plus reprieves from driver's license revocations. About 70% of grantees also regained firearms privileges. 50% of applicants are granted, 1/3 misdemeanants.	Set-aside for probationers, no sealing.
NV	Governor and high officials (justices of state supreme court, and attorney general) act as board exercising power. Nev. Const. art. 5, § 14. Governor must report to the legislature at the beginning of each session every clemency action (no reasons necessary). Nev. Const. art. 5, § 13.	Public hearings at regular intervals, at which applicant must attend; ex. non-violent first offenders may be considered on a paper record. County attorney, court and victim notified 30 days before hearing. Decision by majority (must include governor). One-year process. Nev. Rev. Stat. §§ 213.010, 213.020.	Variable, between five and twelve years from release from prison or discharge from parole. Waivable with consent of a board member. Nev. Admin. Code § 213.065.	Removes all disabilities, including gun disabilities and licensing bars, but does not "erase conviction" and licensing boards may condition licensure on finding of good moral character. May serve aspredicate. Nev. Rev. Stat. § 213.090.	Frequent and Regular:An average of 60 grants each year since 2013, more than half of those those that apply. (In 2017, 83 applied, 60 heard, 55 granted.)	Sealing for most convictions after eligibility period of 7-15 years.
NH	Governor acts upon the advice of the Executive Council. N.H. Const. pt. 2, art. 52. Governor traditionally will not act without majority recommendation from Council.	Notice to state's attorney. N.H. Rev. Stat. Ann. § 4.21. Hearing at direction of Governor. N.H. Rev. Stat. Ann. § 4.28.	Persons eligible for "annulment" under N.H. Rev. Stat. Ann. § 651:5 will generally not be considered for a pardon.	A pardon eliminates all consequences of conviction, but it does not expunge record. Doe v. State, 328 A.2d 784 (N.H. 1974).	Rare:The Attorney General's office receives about 25 applications for clemency per year, but only two pardons and two sentence commutations since 1996.	Annulment available for most felony convictions. N.H. Rev. Stat. Ann. § 651:5.
NJ	Governor decides, parole board may be consulted. N.J. Const. art. V, § 2, ¶ 1. Governor must report annually to the legislature the particulars of each grant, with the reasons. N.J. Stat. Ann. § 2A:167-3.1.	The Governor may refer applications for pardon to the Parole Board for recommendation. N.J. Stat. Ann. § 2A:167-7, but the recommendation does not bind Governor.	No eligibility criteria.	Restores rights and make eligible for expungement. In the Matter of the Petition of L.B., 848 A.2d 899, 900 (N.J. Super. 2004).	Infrequent:Recent governors have granted relatively few pardons, and generally only at end of their terms.	First offender set-aside. N.J. Stat. Ann. §§ 2C: 52-1?32.

State	Type of administration	Type of process	Eligibility requirements	Effect	Frequency of grants	Alternative restoration
NM	Governor decides, ("[s]ubject to such regulations as may be prescribed by law"). N.M. Const. art. V, § 6. Parole board may be consulted. N.M. Stat. Ann. § 31-21-17.	Governor may send application to parole board for investigation. N.M. Stat. Ann. § 31-21-17. Board seeks recommendation from attorney general, judge, prosecuting attorney, and/or the corrections secretary. The victim must be notified.	Completion of sentence (by statute). Gov. guidelines require lengthy waiting periods depending on offense; no first degree felonies, DV or sex offenses, or multiple convictions.	Restores rights of citizenship and relieves other legal disabilities under state law, but does not expunge records, or preclude use of conviction as predicate offense and to enhance subsequent sentence.	Infrequent: Pardons granted only in "extraordinary circumstances." Relatively infrequent (Gov. Martinez has issued no pardons; Gov. Richardson issued 80 pardons in 10 years).	Expungement for first offender drug possession; deferred adjudication but conviction remains on record. N.M. Stat. Ann § 30-31-28.
NY	Governor decides, subject to regulation in "the manner of applying for pardons." N.Y. Const. art. IV, § 4.Governor must report annually to legislature on pardons but not his reasons for granting them. Id.	Board of Parole must advise the governor on clemency cases if requested. N.Y. Exec. Law § 259-c (8). Absent exceptional or compelling circumstances, a pardon will not be considered if there is an adequate administrative remedy available. Special process for misdemeanor/non-violent felony committed at age 16 or 17. Grant is recommended if certain screening requirements are met (including 10 crime-free years), regardless of need or availability of administrative relief.	No eligibility criteria	A pardon addresses unusual circumstances when adequate relief cannot be obtained by certificate; effect to "exempt from further punishment." May serve as predicate.	Uneven: As of July 1, 2017, Gov. Cuomo had granted only seven pardons, most for immigration purposes. Also, more than 100 “conditional” pardons through the youthful offender program. Gov. Paterson granted 33 immigration pardons in 2010, and a handful of others.	Certificates of relief from disabilities and certificates of good conduct.
NC	Governor's power unlimited, subject only to regulation in the manner of applying. N.C. Const. art. III, § 5(6). Post Release Supervision and Parole Commission has authority to assist the Governor in exercising his power. N.C. Gen. Stat. § 143B-720(a).	Applications must be submitted to the governor in writing, with statement of reasons. Governor's office of executive clemency (OEC) processes requests, oversees investigations by Parole Commission, and prepares reports. Victim may present a written statement. N.C. Gen. Stat. § 15A-838. DA must also be notified.	General waiting period of 5 years after completion of sentence, per executive policy.	3 types of pardon: pardon of forgiveness (useful in seeking employment); pardon of innocence; and unconditional pardon ("granted primarily to restore an individual's right to own or possess a firearm").	Rare:Pardons in recent years have been rare - only six pardons since 2001, all granted for innocence. Pardon applications average about 150 annually.	Minor nonviolent felonies and misdemeanors eligible for expungement after 15 years, N.C. Gen Stat. § 15A-145.5.
ND	Governor decides, N.D. Const. art. V, § 7, and may appoint a "pardon advisory board," consisting of the state attorney general, two members of the parole board, and two citizens. N.D. Cent. Code § 12-55.1-02.	No public hearing; board meets twice a year, applications must be filed 90 days in advance; DA notified.	Inmates who are not eligible for parole can apply to the pardon board; as may non-incarcerated offenders or others who demonstrate "compelling need."	Relieves collateral penalties, but no expungement; may serve as predicate. N.D. Cent. Code § 12-55.1-01.	Infrequent:Between 2005 and 2009, 163 applications received but only six pardons granted.	Deferred sentencing; reduction of minor felony offenses to misdemeanors. N.D. Cent Code § 12.1-32-07.

State	Type of administration	Type of process	Eligibility requirements	Effect	Frequency of grants	Alternative restoration
OH	Governor decides in consultation with parole board. Must report to legislature details of each commutation and pardon granted, and reasons for each. Ohio Const. art. III, § 11; Ohio Rev. Code Ann. § 2967.07.	Application to Parole Board, which conducts investigation. Ohio Rev. Code Ann. § 2967.07. Prior notice to court, prosecutor, victim. Ohio Rev. Code Ann. § 2967.12. Meritorious cases may be granted a hearing, and a recommendation made to governor.	Eligibility at any time.	Pardon forgives the conviction but does not entitle recipient to have court records sealed. State v. Radcliff.	Sparing: Gov. Kasich has granted 86 pardons through 2016. Gov. Strickland granted 290 pardons in four years, mostly to minor non-violent offenses.	First offender sealing.
OK	Governor decides, may not act without affirmative recommendation of board of pardons and parole. Okla. Const. art. VI, § 10. The governor must report to the legislature on each grant at regular session, though not required to give reasons. Id.	Public hearings at regular intervals, but applicant generally does not appear; favorable recommendations announced publicly and sent to governor; no reasons given. Process generally takes about six months.	Following completion of sentence or 5 years under supervision; misdemeanants eligible.	Relieves legal disabilities, including firearms. Okla. Stat. tit. 21, § 1283A. Grounds for expungement for non-violent first offenders 10 years after conviction. Okla. Stat. tit. 22, § 18.	Frequent and Regular:About 100 pardon grants annually (80% of those that apply).	Judicial sealing for first offender misdemeanants after 10 years. Okla. Stat. tit. 22, § 18.
OR	Governor decides with no provision for advice. Or. Const. art. V, § 14. Governor must report to the legislature each grant of clemency, including the reasons for the grant.Or. Rev. Stat. § 144.660.	Applications filed with governor's office, copy to DA and correctional officials; review by governor's legal staff. By statute, governor may not act for 30 days after receipt of application. Or. Rev. Stat. § 144.650(4).	Generally governor will not consider misdemeanors and minor felonies, for which set-aside is available.	Relieves legal disabilities.	Rare: The governor of Oregon has issued no pardons since 2011. Between 2005 and January 2011, Gov. Kulongoski granted 20 pardons out of several hundred applications.	Set-aside for misdemeanor and minor felonies. Or. Rev. Stat. § 137.225.
PA	Governor decides, may not act without affirmative recommendation of pardon board chaired by lieutenant governor. Pa. Const. art. IV, § 9(a).	Public hearings at regular intervals; notice published prior to hearing. 37 Pa. Cons. Stat. 81.233. Favorable recommendations are announced publicly and sent to governor; no reasons given. 37 Pa. Cons. Stat. § 81.301.	No eligibility requirements.	Relieves all legal disabilities, including employment and licensing bars; provides grounds for expungement. Commonwealth v. C.S., 534 A.2d 1053 (Pa. 1987),	Frequent and Regular:Of 500-600 applications, Board recommends about 150 favorably each year, most of which are granted; 20% to misdemeanors and summary offenses.	Expungement for "violations"; law prohibits discrimination in employment and licensing. 18 Pa. Cons. Stat. § 9124.
PR	Governor decides. P.R. Const. art. IV, § 4. Parole Board may make non-binding recommendations.	Process administered by Parole Board. Corrections Department makes recommendation to the Parole Board, which in turn makes recommendation to the governor. There is no hearing and the process usually takes about one year.	No formal eligibility restrictions, but informal policy of recent governors has imposed a five-year waiting period following completion of sentence.	A grant of full pardon "erases forever" a conviction. 1960 P.R. Op. Sec'y Justice No. 33. The pardon document by its terms "eliminates" the conviction from police and court records.	Rare: Frequency of pardon grants has decreased since expansion of expungement law in 2005.	Broad expungement authority for all offenses, after waiting period of six months to 5 years. P.R. Laws Ann. tit. 34, §§ 1725a-1 et seq.
RI	Governor pardons "by and with the advice and consent of the senate." R.I. Const. art. IX, § 13.	No process specified.	No requirements.	Restores right to hold public office and lifts occupational and licensing bars.	Rare:No pardon issued to a living person in many years.	First offender expungement after 10 yrs for felonies, 5 for misdemeanors. R.I. Gen. Laws § 12-1.3-3.

State	Type of administration	Type of process	Eligibility requirements	Effect	Frequency of grants	Alternative restoration
SC	Independent board appointed by governor exercises pardon power except in capital cases (where governor retains power). S. C. Const. art. IV, § 14; S.C. Code Ann. § 24-21-920.	Board required to hold hearings at least four times a year, and in recent years every two months, at which it is required to allow the applicant to appear.	Following completion for sentence, or after 5 years under supervision, payment of restitution in full; state offenders only. S.C. Code Ann. § 24-21-950.	Erases legal effect of conviction, including obligation to register and use as predicate. S.C. Code Ann. §§ 24-21-990, 1000. Does not expunge, and conviction must be reported on applications.	Frequent and Regular:Board issues 300-400 grants per year, hearing about 80-85 cases every two months; grants 60-65% of applicants. Few misdemeanants.	Various expungement authorities for minor offenses.
SD	Governor decides, S.D. Const. Article IV, § 3. Board of Pardons and Paroles must recommend pardon in order to obtain sealing relief. S.D. Codified Laws § 24-14-11.	Public hearings at regular intervals, recommendations sent to governor. Applicant must notify DA and sentencing judge, and must publish notice of application in a newspaper once a week for three weeks. Typically, six months to process a case. S.D. Codified Laws §§ 24-14-3, 4. Expedited procedure for misdemeanants implemented in 2014.	No eligibility period except 5-year waiting period after release for first offenders to apply for "exceptional pardon." S.D. Codified Laws § 24-14-8. Expedited process for misdemeanants requires waiting period of 5 and 10 years.	Persons released from all disabilities, including firearms if specified. Record sealed and conviction denied, unless pardon was issued by governor alone. S.D. Codified Laws § 24-14-11. No predicate effect.	Frequent and Regular:Between 60 and 70 applications filed annually, about 60% recommended by Board to the governor, who grants most of those recommended.	Deferred adjudication and judicial sealing for first offenders
TN	Governor has the power to pardon. Tenn. Const. art. III, § 6. Governor advised by the parole board. Tenn. Code Ann. § 40-28-104. Must report grants and reasons to legislature "when requested." Tenn. Code Ann. §§ 40-27-101, 107.	Public hearing and notice to prosecutor is required. Board must send names of those it is recommending and those it is not to legislative committees. Governor must notify AG and DA beforegrant is made public; they notify victim. Tenn. Code Ann. § 40-27-110.	Completion of sentence; additional period of good conduct and demonstration of rehabilitation and need.	Pardon has limited legal effect, and does not restore civil or other rights, for which one must go to court. Tenn. Code. Ann. § 40-29-105(c). May serve as grounds for expungement, and thus restoration of firearms rights. See Tenn. Code Ann. § 40-32-101(h)	Uneven: In July 2017 Gov. Bevin issued 10 pardons, the first mid-term pardons in Tennessee in many years. In January 2011, Gov. Bredesen granted 22 pardons ("collected over his eight years in office"), 16 of which were recommended by the Board.	Expungement of certain less serious non-violent offenses after 5 yrs. Judicial restoration of rights.
TX	Governor decides, may not act without affirmative recommendation of Board of Pardons and Paroles. Tex. Const. art. IV, § 11(b).	No public hearing, informal review process.	Upon completion of sentence, including misdemeanants. Tex. Admin. Cod. §§ 143.2, 143.10. First offender restoration to federal and foreign offenders. Tex. Admin. Code § 143.7.	Restores civil rights, and removes barriers "to some, but not all, types of employment and professional licensing." Basis for expungement. Predicate effect.	Sparing:Eight to tenpardons annually most years since 2001, and 1/3 of those recommended. 200 applications are received annually.	Expungement of pardoned convictions; deferred adjudication and nondisclosure.
UT	Independent board appointed by the governor. Utah Const. art. VII, § 12; Utah Code Ann. § 77-27-5(1).	Public hearing at regular intervals, notice to DA and victim, majority vote, with reasons given. Utah Code Ann. § 77-27-5(2).	Five years after expiration of sentence; offenses for which expungement not available. Utah Admin Code r. 671-315.	Restores civil rights.	Infrequent:Board receives only three to five requests for pardon a year, and only about 10 pardons have been granted in the past decade (availability of expungement makes less necessary).	Expungement for many offenses.

State	Type of administration	Type of process	Eligibility requirements	Effect	Frequency of grants	Alternative restoration
VT	Governor decides, parole board may be consulted. Vt. Const. ch. II, § 20.	No hearing; parole board investigates and recommends. Vt. Stat. Ann. tit. 28, § 453.	Generally 10 years, must show rehabilitation and employment-related need, benefit to society.	Restores rights, relieves disabilities, including firearms.	Infrequent: Governor Shumlin granted only two pardons since taking office in 2011. In his nearly 8 years in office (2003-2011), Governor Douglas granted thirteen pardons, fewer than two a year.	Deferred adjudication and expungement.
VI	Governor decides, parole board may be consulted. Va. Const. art. V, § 12. Constitution also requires governor to make annual report to the legislature setting forth "the particulars of every case" of pardon or commutation granted, with reasons. Id.	No hearing, paper review by parole board. Restoration of rights applications processed in 60-days by Secretary of the Commonwealth.	3-yr eligibility waiting period for restoration of rights after violent crime or serious crime; Immediate and automatic for non-violent crime, if eligible; ROR available for those convicted in Virginia, either in state or federal court. Simple pardon available after 5 years.	"Simple" pardon does not expunge the record, but helps with employment, education, and self-esteem.No expungement, has predicate effect.	Sparing:Gov. McAuliffe pardoned 38 individuals in his first two years in office, and restored rights to thousands. Gov. McConnell restored rights generously, but pardoned only seven individuals. He also commuted two sentences retroactively to prevent deportation. Governor Kaine pardoned 108 individuals in his four years in office.	Deferred adjudication but no expungement; judicial restoration of firearms.
VA	Governor decides. V.I. Organic Act of 1954, § 11.	No process specified.	No requirements.	Relieves bar to serving on government board or commission.	No information available.	Expungement available for misdemeanors, deferred adjudication, and youthful offenses.
WA	Governor decides "under such regulations and restrictions as may be prescribed by law." Wash. Const. art. III, §§ 9. Clemency board may be consulted. Wash. Rev. Code §§ 9.94A.885 (1), 10.01.120. Governor reports to legislature with reasons. Wash. Const. art. III, § 11.	Public hearing, DA and victims must be notified. Wash. Rev. Code § 9.94A.885 (3).	None	Vacates conviction, relieves all legal disabilities; conviction need not be reported, no predicate effect. Wash. Rev. Code § 994A.030 (11)(b).	Sparing:About 35 petitions each year, 8-10 of which go to hearing. Between January 2011 and August 2017, Gov. Jay Inslee, and denied a number of favorable recommendations from Board. Gov. Gregoire (2003-2011) granted 27 pardons, two conditional, and two to avoid deportation.	Judicial vacatur for most convictions; separate firearms restoration procedure.
WV	Governor decides, may seek advice from parole board. W. Va. Const. art. 7, § 11; W. Va. Code § 5-1-16. Governor reports facts of grants with reasons. W. Va. Const. art. 7, § 11; W. Va. Code § 5-1-16.	No public hearing; board must notify DA and judge 10 days before making recommendation to governor. As a matter of policy, governor always seeks recommendation from board.	None	Lifts most legal barriers, but does not restore firearms rights. Perito v. County of Brooke, 597 SE 2d 311, 321 (W. Va. 2004). May be given predicate effect.	Rare:Governor receives from 50-100 applications each year, but pardon grants are rare (only 121 in 36 years, by nine governors).	Misdemeanor first offender expungements.

State	Type of administration	Type of process	Eligibility requirements	Effect	Frequency of grants	Alternative restoration
WI	Governor decides under a non-statutory pardon advisory board. Wis. Const. art. V, § 6. Governor must communicate annually with legislature each case of clemency and the reasons. Wis. Const. art. V, § 6.	Under past governors, hearings have been held at regular intervals for those applicants that show "a demonstrated need for a pardon." No hearings held under current governor. By statute, applicants must publish notice in county paper or on courthouse door, and deliver to DA, judge and victim. Wis. Stat. §§ 304.09?.10.	Five-year eligibility waiting period; misdemeanants ineligible unless waiver granted.	Relieves legal disabilities and signals rehabilitation, but does not expunge or seal the conviction. May be given predicate effect.	Infrequent/uneven:Governor Walker has granted no pardons to date, and has stated an intent to accept no applications. Gov.Doyle granted 293 pardons overall, 176 in his final year, mainly for dated minor offenses, representing 15% of applicants, all with Board recommendation. Few misdemeanants.	Expungement or sealing of certain adult misdemeanor convictions. Wis. Stat. § 973.015.
WY	Governor decides, subject to legislative controls on the manner of applying. Wyo. Const. art. 4, § 5. Governor must report every two years to legislature on grants, with the reasons for each one. Id.	Statutory application process involves review by governor's staff. Process takes 4-6 weeks. Notice to DA three weeks prior to acting, and DA must provide details of offense. Wyo. Stat. Ann. § 7-13-801 et seq.	10 years after sentence for pardon, 5 years for restoration of rights. Excludes sex offenses.	Relieves legal disabilities but does not expunge. Maybe given predicate effect.	Infrequent: Current governor has issued only a handful of pardons in eight years. From 2005 to 2010, 22 pardons and 28 restorations of rights (25% of applications filed).	Governor also grants restoration of rights upon recommendation of parole board. Federal and state offenders eligible.
FED	President decides under a non-statutory advisory scheme. U.S. Const. art. II, § 2; 28 CFR Part 1. No reporting requirement, no notice.	Informal process described in 28 C.F.R. Part 1 and United States Attorneys Manual. No time limit, and applications may remain pending for years.	5 years after sentence or release from confinement. 28 C.F.R. § 1.2. Generally not eligible if on parole. Id.	Relieves legal disabilities signifies rehabilitation. Does not expunge, has predicate effect.	Sparing: Only about 10-15 pardons per year over the past twenty years, representing less than 5% of those who apply. President Obama has issued only 52 pardons in five years and denied more than 1300 applications with more than 800 awaiting decision.	None

APPENDIX B: 50-STATE COMPARISON OF EXPUNGEMENT, SEALING & SET-ASIDE AUTHORITIES

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
AL						Most delinquency adjudications sealed after final discharge or court order if no pending criminal proceedings. May petition to have records destroyed five years after age of majority. Ala. Code §§ 12-15-136, 12-15-137.	Courts may expunge nonconviction records of nonviolent felonies and misdemeanors, including cases where charges dismissed. Felony charges resulting in acquittal may also be expunged even if violent. Records remain available to government regulatory or licensing agencies, utilities, banks and financial institutions. Ala. Code §§ 15-27-1, -2. State record repository must remove arrest record from rap sheet after 30 days if not charged or if cleared of the offense. Ala. Code § 41-9-625.
AK			Court may suspend imposition of sentence and "set aside" conviction after successful completion of probation for certain offenses. Alaska Stat. § 12.55.085. May not be used as predicate, but limited use for enhancement of sentence. Similar suspended entry of judgement and dismissal also available, with exceptions for certain serious offenses. § 12.55.078. No conviction results and court records may not be published online, § 22.35.030, but no sealing.			Records of juvenile adjudications are generally confidential and unavailable to the public. Court seals most juvenile records at age 18 or release of jurisdiction if later. Alaska Stat. § 47.12.300(c), (e). If charged as adult, most juvenile records sealed five years after completed sentence or after records made public. § 47.12.300(f).	Nonconviction records generally unavailable to the public. Alaska Stat. § 12.62.160(b)(8). Additional sealing of nonconviction records in the case of mistaken identity or false accusation if proven beyond reasonable doubt. § 12.62.180(b). Courts may not publish online records of cases resulting in acquittal or dismissal. § 22.35.030.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
AZ	"Set-aside" upon discharge for all but violent and sex offenses. Relieves collateral consequences, but does not seal record and conviction must be disclosed. Predicate. Ariz. Rev. Stat. Ann. § 13-907.					If 18 years or older, may apply to set aside juvenile adjudication upon discharge from probation or absolute discharge for certain offenses. Predicate effect. Ariz. Rev. Stat. §§ 8-348; 8-207, 13-501.	Non-conviction records may not be sealed or expunged but may be amended to note person cleared of any arrests or indictments. Ariz. Rev. Stat. § 13-4051.
AR	Minor felonies and drug convictions eligible for sealing after 5 yrs. (if no more than one prior felony), misdemeanors immediately after completion of sentence; Serious violent and sexual offenses ineligible. Sealed conviction "shall be deemed as a matter of law never to have occurred, and the person may state that the underlying conduct did not occur and that a record of the person that was sealed does not exist." Predicate effect. Ark Code Ann. § 16-90-1401 et seq.		Deferred adjudication for first-time offenders may lead to sealing (serious violent felonies and certain sex offenses ineligible). Ark. Code Ann. §§ 16-93-303, 16-93-314 (b).	Expungement of in human trafficking cases. Ark. Code Ann. § 16-90-1412.	If ineligible for sealing may seek pardon, which results in automatic sealing for all but a few serious offenses. Ark Code Ann. § 16-90-1411.	For most offenses, may apply to set aside adjudications upon majority if discharged from probation or absolute discharge and no subsequent conviction or pending charge. Ark. Rev. Stat. § 8-348. Set-aside relieves penalties and disabilities, with exceptions for those imposed by Dept. of Transportation.	Arrest records "shall" be sealed on petition to court if no charges are filed within one year, § 16-90-1409, if charges dismissed, or if no conviction obtained. § 16-90-1410. See § 16-90-1415.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
CA	Courts may issue certificates of rehabilitation, which affect consideration for employment, operate as first step in pardon process. See Cal. Bus. & Prof. § 480(b) and chart #5. Set-aside or dismissal for probationers, misdemeanants, and minor felony offenders' rights restored and disabilities removed, may be used as predicate offense and disclosed in certain contexts. Does not seal or otherwise limit access to records.		Deferred sentencing for felony convictions, treated as misdemeanors following successful completion of probation. No sealing except for certain under-age misdemeanants. Predicate effect. Cal. Penal §§ 17(b), 1203.4, 1203.4a, 1203.41. Post-plea deferred entry of judgement & probation available for first minor drug offense. See Cal. Penal § 1000, et seq. Successful completion results in dismissal of charges, and plea may be withdrawn upon application to court. § 1203.43.	Misdemeanors under age 18 when crime committed and who are otherwise eligible may apply to have record sealed. Cal. Penal § 1203.45(a).		Records generally confidential, with exceptions for serious offenses. Cal Rules of Court, Rule 5.552. Most adjudications may be sealed, subject to the court's discretion, either 5 years after termination of jurisdiction or immediately upon reaching age 18. Cal. Welf. & Inst. § 781. Additional eligibility requirements for certain serious offenses. Records are confidential and destroyed after 5 years.	Mandatory sealing of eligible non-conviction records upon petition. Cal. Penal § 851.91 (effective January 2018). "Arrest records, police investigative reports, and court records that are sealed under this section shall not be disclosed to any person or entity except the person whose arrest was sealed or a criminal justice agency." § 851.92 Previously, sealing discretionary, concurrence of the prosecuting attorney, order that the records be sealed and destroyed. Cal. Penal § 851.8(d). Pre-trial diversion records sealed after 2 years. § 851.87.
CO	Court imposing a non-prison sentence may relieve any collateral consequence. Colo. Rev. Stat. §§ 18-1.3-107; 18-1.3-213; and 18-1.3-303. Sealing available for select controlled substance offenses committed after 2008. Colo. Rev. Stat. § 24-72-704 (convictions between 2008 and 2011 - 10 yr. waiting period), § 24-72-705 (convictions after July 1, 2011 - 1 to 10 yr. waiting period). May deny conviction in most situations. § 24-72-703(4)(d).		Deferred adjudication, sentencing, and diversion may lead to sealing. Colo. Rev. Stat. §§ 24-72-308(1)(a) (deferred adjudication); §§ 18-1.3-101, 24-72-702 (pretrial diversion); 18-1.3-102 (deferred sentencing); § 18-13-122(a) (deferred adjudication/diversion for underage alcohol offenses).	Petty offenses and municipal violations (except for traffic offenses). See Colo. Rev. Stat. § 24-72-708. Decriminalized misdemeanor marijuana possession/use, § 24-72-710 (effective August 2017); Victims of human trafficking, § 24-72-706; posting a private image for harassment or pecuniary gain, § 24-72-709; theft of public transportation services by fare evasion, § 24-72-707; underage possession or consumption of alcohol or marijuana, § 18-13-122(13). May deny conviction in most situations. § 24-72-703(4)(d).		Expungement available for all but serious violent offenses. Colo. Rev. Stat. § 19-1-306. Court must advise at time of sentencing. Automatic for minor offenses, and no significant waiting period otherwise, except for repeat/mandatory sentence offenders. The person and court may indicate that no record exists. .	Courts must seal upon request at time of disposition, or later on petition, a criminal record in cases that were not charged, that were resolved through diversion, completely dismissed, or resulted in acquittal. Colo. Rev. Stat. § 24-72-702. May deny conviction in most cases. § 24-72-702(f)(I). Arrests resulting from mistaken identity may be expunged if no charges were filed. § 24-72-701.5

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
CT	See entry for pardoned convictions.		Six programs for deferred adjudication may result in "erasure" of record. May deny conviction; predicate unless records destroyed. Conn. Gen. Stat. § 54-142a. Erasure prohibits disclosure by government, bars reliance in any subsequent criminal proceeding, and permits the person to swear under oath that the crime never occurred.	Erasure available for those convicted as "youthful offenders" upon reaching age 21 if no subsequent felony conviction. Conn. Gen. Stat. § 54-76o. May deny conviction. § 31-51i(c) - (f).	Pardoned conviction automatically "erased" after 3 years; records destroyed; may deny conviction. Conn. Gen. Stat. § 54-142a(d). Pardons routinely available from Board of Pardons and Parole.	Erasure of police and court records available at age 17 and after 2-4 years have elapsed, depending on seriousness of offense. Must have no subsequent convictions or pending charges. Conn. Gen. Stat. § 46b-146. Employers may not require disclosure of erased record or discriminate based on such a record. § 31-51i(c) - (f).	Erasure of criminal records where charges have been dismissed or nolled, or where person has been acquitted; may deny arrest under oath. Conn. Gen. Stat. §§ 54-142a; 31-51i(d). Where the erasure statute applies, a court may proceed on its own motion to dismiss charges, and records will automatically be erased.
DE			Expungement in "Probation Before Judgment" under Del. Code tit.11 § 4218, and for the first offenders controlled substances diversion program, tit. 16 § 4767. See Del. Code Ann. tit. 11 §§ 4372-74 (see non-conviction records). Expungement mandatory for misdemeanors, discretionary for felonies.		Expungement may be available if unconditionally pardoned of some misdemeanor & violation convictions. Del. Code Ann. tit 11, § 4375.	Mandatory & discretionary expungement for juvenile delinquency records. Del. Code Ann. tit.10, § 1014, et seq.	Expungement where case results in acquittal or other termination of action in favor of the accused, including in probation before judgement cases, but prior conviction may disqualify. Del. Code Ann. tit. 11 § 4372. Expungement mandatory where charges involve first-time misdemeanor, discretionary in other cases, including PBJ. §§ 4373, 437.
DC	Sealing for actual innocence, see D.C. Code § 16-802; decriminalized conduct, see § 16-803.02.			Sealing for selected misdemeanors and one felony (failure to appear) after waiting period. May deny conviction in most situations; certain law enforcement, court, employer/licensing access. D.C. Code §§ 16-803, 16-806.		Upon majority, sealing after a two-year waiting period with no subsequent convictions. D.C. Code § 16-2335(a).	Court authorized to seal non-conviction records after waiting period; may deny conviction in most situations; certain law enforcement, court, & employer/licensing access. D.C. Code §§ 16-803, 16-806. Court must find that sealing "is in the interests of justice" under balancing test. Fugitive from justice arrests may be sealed under § 16-803.01.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
FL			Adjudication may be withheld and defendant placed on probation for second and third degree felonies if requested by prosecutor or if court makes findings of mitigating circumstances; no conviction results and sealing for certain first offenders (no prior record); expungement after 10 years. Fla. Stat. Ann. §§ 948.01(2), 943.0585(2)(h), 775.08435; Fla. Crim. P. Rule 3.670. Sealing defined in § 943045(14); record remains available to law enforcement, certain employment and licensing contexts even after expungement.			Records of juvenile adjudications are generally confidential except for serious offenses. See Fla. Stat. § 985.04(2). Expungement for nonjudicial record of minor's arrest (non-violent, first offense) upon successful completion of diversion program. Fla. Stat. Ann. § 943.0582. Expungement defined as destruction of record. § 943045(13). Other records destroyed after age 24.	Court has discretion to order sealing or expungement of non-conviction records of first offenders, with certain exceptions. Expungement results in destruction of record; sealing permits limited law enforcement, employment, licensing access. Fla. Stat. Ann. §§ 943.0585, 943.059.
GA		Discharge without adjudication after completion of probation under the First Offender Act "completely exonerate[s] the defendant of any criminal purpose and shall not affect any of his or her civil rights or liberties." Ga. Code Ann. §§ 42-8-60, 42-8-62. Restores firearms privileges. § 16-11-131(f). Limits use of record to deny employment (ex. those dealing with vulnerable populations), § 35-3-34, and since 2016 sealing of court records. § 42-8-62.1, First offender drug possession convictions may be restricted and sealed pursuant to Ga. Code Ann. § 35-3-37(h)(2)(B).		Records of youthful (under 21) misdemeanor convictions may be "restricted" after five years, making them unavailable to public or licensing boards. § 35-3-37(j)(4)(A).		Sealing upon motion to the court after a two-year waiting period and finding of rehabilitation. Ga. Code Ann. § 15-11-701(b).	If released before indictment or acquitted, public access to record may be "restricted" after waiting period depending on seriousness of charges. Ga. Code Ann. § 35-3-37(h)(1).

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
HI			Deferred adjudication for nonviolent first offenders, expungement after one year. First-time minor drug offenders on probation. Yes predicate. Haw. Rev. Stat.§§ 712-1255, 712-1256, 853-1, 853-4.,			Court may expunge juvenile adjudication records. Haw. Rev. Stat. §§ 571-88(a). Juvenile records confidential and per se sealed. Id. § 571-84(e).	Only criminal justice agencies and agencies authorized by Hawaii's laws may access non-conviction information. In addition, upon application by the affected individual, the Attorney General "shall issue an expungement order annulling" record of arrest if no conviction results. Person "shall be treated as having not been arrested." Haw. Rev. Stat. § 831-3.2.
ID	Reduction of felony to misdemeanor after completion of probation, with concurrence of prosecutor if earlier than five years or if crime of violence; offenses requiring sex offender registration not eligible. Idaho Code Ann. § 19-2604(3). No sealing or expungement of record. Certain sex offenders may petition for "expungement" from registry after 10 years. Idaho Code Ann. § 18-8310.		Set-aside of plea where sentence deferred or suspended upon successful completion of probation, or reduction of felony to misdemeanor conviction; restores rights but does not expunge or seal (not applicable to sex offenses). Idaho Code Ann. §§ 19-2601, 19-2604(1), (2).			Juvenile convictions may be expunged after waiting period (except for serious offenses). Idaho Code Ann. § 20-525A	No provision except for unreturned arrest warrants. ICAR R. 32.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
IL	Sealing for most misdemeanors and felonies after 3 year waiting period. Exceptions for limited number of serious offenses. 20 Ill. Comp. Stat. Ann. 2630/5.2. Must be disclosed to agencies authorized to conduct background checks. Courts authorized to remove employment and licensing bars through certificate of good conduct. 730 Ill. Comp. Stat. Ann. 5/5-5.5-55. In addition, consideration of conviction limited for certain licenses where court issues certificate of relief from disabilities. Id. at 5/5-5-5.		Deferred adjudication for first-time non-violent offenders; expungement five years after successful completion of probation. Predicate offense if within five years. 20 Ill. Comp. Stat. Ann. 2630/5.2; 720 Ill. Comp. Stat. Ann. 570/410, 550/10,5/5-6-3.4. Record destroyed. §2630/5.2(a)(1)(E). 2014 "Second Chance Probation" leading to expungement available to first time felony offenders charged with minor non-violent drug, fraud or theft felony offenses, 730 Ill. Comp. Stat. Ann. 5/5-6-3.4. Yes predicate.		Pardon instrument may authorize expungement. 20 Ill. Comp. Stat. Ann. 2630/5.2(e);2630/5.2(a)(1)(E).	Automatic expungement of all but the most serious offenses after 0 to 2 year waiting period. 705 Ill. Comp. Stat. 405/5-915. Otherwise, expungement upon petition after 2 years, except for first degree murder and sex offenses. Id. Automatic sealing of non-expunged records. Id.	Records of arrest/charges that resulted in acquittal or dismissal may be expunged upon petition to the court if no prior felony conviction. 20 Ill. Comp. Stat. Ann. 2630/5.2(b). Record destroyed. 2630/5.2(a)(1)(E). Sealing of non-conviction records without qualification on eligibility available immediately upon disposition. 2630/5.2(g) (effective 2018).
IN	Expungement of most felony and misdemeanor offenses after waiting periods ranging from five to ten years. Ind. Code § 35-38-9-2 et seq. Expunged records "remain public," although must be "clearly and visibly marked" as being expunged. §35-38-9-7. Records of misdemeanors and minor felonies must be expunged if eligible, and are automatically "sealed" upon expungement, which limits public access without a court order even to a prosecutor. § 35-38-9-6. Admin. Sealing from state police after 15 yrs. § 35-38-5-5.		Deferred adjudication for drug abusers and alcoholics charged with less serious felonies, if one prior and no charges pending. Ind. Code §§ 12-23-5-1 et seq., 12-23-6-1, 12-23-7-1 et seq.		Pardon "wipes out guilt" and automatically becomes basis for judicial expungement. State v. Bergman, 558 N.E.2d 1111 (Ind. Ct. App. 1990).	Court may expunge juvenile records at any time upon petition. Ind. Code § 31-39-8-2. Records are destroyed.	Non-conviction records and convictions vacated on appeal may be expunged and sealed after one year § 35-38-9-1. Expungement mandatory if eligible. Once records are sealed "only a criminal justice agency may access the records without the order of a court." § 35-38-9-1(d).

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
IA			Deferred adjudication followed by expungement for first offenders. Predicate offense. Iowa Code §§ 907.3, 907.9.			Non-forcible felony records are preemptively non-public. Iowa Code Ann. §§ 232.147(3), 232.149B(1). Forcible felony records may be made non-public upon application. § 232.149A. Sealing at majority upon application to the court after a two-year waiting period if no subsequent offenses. § 232.150(1). Not reported on criminal history from age 21 on if no serious offenses between age 18 and 21. § 692.17(1).	Records of acquittals and dismissed charges (excluding deferred adjudication) "shall" be expunged after 180 days. § 901C.1. See also Iowa Code Ann. § 692.17(1) (records of acquittal/dismissal may not be stored in computer data system).
KS	Waiting period of 3-5 years; serious violent and sex offenses excluded. Also no expungement if required to register under KS offender registration act. Presumption in favor of expungement if court makes certain findings. May deny conviction except for certain law enforcement, employment and licensing contexts. No guns, predicate offense. Kan. Stat. Ann. § 21-6614.					Expungement of juvenile adjudications, except for serious or violent offenses, following a two-year waiting period if the person is at least age 23 and has no subsequent offenses. Kan. Stat. Ann. § 38-2312(a) - (c).	Record "shall" be expunged on petition where court finds after hearing that no conviction resulted from arrest (including where charges dismissed), subject to certain court-ordered grounds for disclosure. May deny arrest. Kan. Stat. Ann. § 22-2410.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
KY	Specified Class D felonies may be vacated 5 years after completion of sentence, and the record expunged. Filing fee of $500. Effect of expungement destruction of record, except for index kept by court. Ky. Rev. Stat. Ann. § 431.073. Expungement of most misdemeanors/violations after five years with no felony or misdemeanor convictions. Mandatory for single offense history; discretionary for multiple offense history. May deny existence of record. Ky. Rev. Stat. Ann. § 431.078. Sex offenses or offenses against a child are ineligible.		Deferred adjudication for Class D felonies; no conviction results, and expungement available if charges dismissed. Ky. Rev. Stat. Ann. §§ 431.076, 533.250-533.262.		Pardoned convictions may be set aside and expunged. Ky. Rev. Stat. Ann. § 431.078.	Vacatur and expungement available, upon petition after a two-year waiting period. Ky. Rev. Stat. Ann. § 610.330.	Court has discretion, on petition and after a hearing, to expunge records of misdemeanor or felony cases that result in dismissals or acquittals and charges not resulting in indictment after 12 months. Ky. Rev. Stat. Ann. §§ 431.076, 510.300.
LA	Most misdemeanors (after five clean years), many felonies (after 10 clean years), and nonconviction records may be expunged. La. Code Crim. Proc. Art. 971 et seq. Record closed to public but remains available for law enforcement and certain licensing purposes. Predicate offense.		Deferred sentencing resulting in set-aside and dismissal for first felony convictions sentenced to probation. La. C.Cr.P. Art. 893(E). Expungement under Art. 978 upon successful completion.			Expungement available immediately upon termination of juvenile court jurisdiction for most adjudications. 5 year waiting period for certain serious offenses. La. Ch.C. Art. 918.	Both felony and misdemeanor non-conviction records may be expunged on petition, but remain available to law enforcement and for certain licensing purposes. La. Code Crim. Proc. Art. 976.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
ME		Records of convictions for Class E (misdemeanor) crimes committed between 18 and 21 may be sealed after 4 years if the person has not been convicted of any other offenses and has no charges pending. Me. Rev. Stat. Ann. tit. 15, §§ 2251, et seq.			Information re: pardoned convictions considered "non-conviction" data, though may be available to public upon request. Me. Rev. Stat. Ann. tit. 16, §§ 703(2), 705. Can delete from FBI record after 10 years per tit. 15, § 2167; and no sex offender registration if pardoned under tit. 34A, § 1125-A(6)(c).	Sealing, upon petition, for all adjudication records after a three-year, crime-free waiting period. Me. Rev. Stat. Ann. tit. 15 § 3308.	Non-conviction records may not be publicly disseminated after one year, but disclosure may be made to "[a]ny person who makes a specific inquiry . . . as to whether a named individual was summonsed, arrested or detained or had formal criminal charges initiated on a specific date." Me. Rev. Stat. Ann. tit. 16, §§ 703, 705.
MD			Deferred adjudication available for certain crimes, record may be expunged, destroyed after 3 years. No predicate effect. Md. Code Ann., Crim. Proc. § 6-220; Md. Rule Crim. Proc. 4-511 and 4-512. Jones v. Baltimore City Police Dep't, 606 A.2d 214. Expunged record may be opened only upon court order, with notice to the person concerned and a hearing, or upon ex parte application by the State's attorney and a showing of good cause (including that the record is needed by law enforcement). Md. Code Ann., Crim. Proc. §§ 10-108(a) through (c). Violation a misdemeanor. § 10-108(d). Destruction after three years. See §§ 4-511, 4-512.	Under Second Chance Act of 2015 a handful of minor misdemeanor convictions are eligible for "shielding." Md. Code Ann., Crim. Proc. § 10-301 et seq., Effective Oct. 1, 2017, enumerated misdemeanors may be "expunged" after 10 crime-free years (15 for 2nd degree assault/"domestically related crime"). SB-1005 (2016) (to be codified at Md. Code Ann., Crim. Proc. § 10-110). Expungement for specified nuisance convictions. Md. Code Ann., Crim. Proc. § 10-105(a)(9), (c)(6). Destruction after 3 years. Md. Rule Crim. Proc. 4-511 and 4-512.	Non-violent first offenders pardoned may petition for judicial expungement. Md. Code Ann., Crim. Proc. § 10-105(a)(8). DNA records may be expunged under Md. Code Ann., Public Safety § 2-511 (through 2013) or Crim. Proc. § 6-232(a) (beginning in 2014). Destruction after 3 years. Md. Rule Crim. Proc. 4-511 and 4-512.	Expungement for charges transferred to juvenile court per Md. Code Ann., Crim. Proc. §§ 10-105(a)(7), 10-106. Destruction after 3 years. Md. Rule Crim. Proc. 4-511 and 4-512. Juvenile court records are generally unavailable to the public. Md. Code Ann., Courts & Judic. Proc. § 3-8A-27. Records may be completely sealed at any time for good cause, and must be sealed at age 21. Md. Code Ann., Courts & Judic. Proc. § 3-8A-27(c)	Arrest records not leading to charges are automatically expunged, and other non-conviction records (including probation before judgment) may be expunged after a hearing after a 3-year waiting period; expunged records may be opened only upon court order. Md. Code Ann., Crim. Proc. §§ 10-103; 10-105(a)(1)-(4), (c)(1)-(2). Destruction after 3 years. Md. Rule Crim. Proc. 4-511 and 4-512.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
MA	Felonies may be sealed after 10 years if no subsequent conviction (misdemeanors 5 years), but no expungement. May deny conviction in employment application, but no guns, predicate offense. Mass. Gen. Laws ch. 276, § 100A; ch. 140, § 122. See also Mass. Gen. Laws ch. 151B, § 4(9) (employers may not inquire into misdemeanor convictions more than 5 years old or arrest records).		Per Mass. Gen. Laws ch. 278, § 18 (2011) ("Continuance Without a Finding"), sealing after 10 years for felonies and five for misdemeanors (Mass. Gen. Laws ch. 6, § 172).		Pardon seals automatically, recipient may deny conviction. May be used as predicate. Mass. Gen. Laws ch. 127, § 152.	Records of adjudication may be sealed after 3-year crime-free waiting period. Mass. Gen. Laws ch. 276, § 100B.	Cases where defendant acquitted "shall" be sealed. Cases where charges dismissed "may" be sealed by court if "substantial justice would best be served." Thereafter may not be used to disqualify a person from public employment. May deny sealed arrest on private employment application. Mass. Gen. Laws ch. 276, § 100C.
MI	Set-aside for first felony offenders with no more than two prior misdemeanors; also for two misdemeanors if no felonies. (Traffic & sex offenses excluded). 5-year eligibility period. Record unavailable to public. May be used by law enforcement and courts. Predicate effect. Mich. Comp. Laws § 780.621		Mich. Comp. Laws § 333.7411 (probation before judgment for drug first offenders): nonpublic records kept by state police, available only to law enforcement (including law enforcement employment) and court.			Subject to exceptions, mandatory destruction of diversion records after reaching age 17; all other records at age 30. MCR 3.925(E)(2), (3). Sealing upon petition and finding of good cause. MCR. 8.119(F). Set-aside of up to 3 delinquency adjudications upon meeting certain criteria. Mich. Comp. Law. Ann. § 712A.18e.	No statutory authority for judicial sealing. Where defendant found not guilty or charges dismissed "the fingerprints and arrest card shall be destroyed by the official holding those items" after notice by court. Mich. Comp. Laws § 28.243(8).

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
MN	Trial court has common law expungement authority; balancing test applied. State v. S.L.H., 755 N.W.2d 271 (Minn. 2008). Expungement (sealing) available for all misdemeanors and many minor non-violent felonies. Minn. Stat. §§ 609A.02, subd. 3. Applies to both court and executive branch records. Sealing of conviction records available for juveniles tried as adults once finally discharged or probation successfully completed (some law enforcement exceptions). Minn. Stat. §§ 609A.02, subd. 2; 609A.03, subd. 7. Minn. Stat. § 13.87 subdiv. 1(b) conviction data maintained by Bureau of Criminal Apprehension is accessible to public only for 15 years following discharge.		Deferred sentencing for felony convictions, treated as misdemeanors following probation. Minn. Stat. § 609.13. Expungement after one year waiting period, with balancing test favoring relief. 609A.02, subd. 03(a)(2). Deferred prosecution and expungement for minor drug offenses per Minn. Stat. §§ 152.18,		"Pardon extraordinary" has effect of "setting aside and nullifying" conviction, but does not expunge or seal record. Recipient may deny conviction.	Adjudication records (other than for felony offense at age 16 or older) generally available only to victim, schools, and government agencies for specified purposes and only until age 28. Minn. Stat. § 260B.171. Expungement of juvenile delinquency adjudications available for certain offenses and case dispositions. § 260B.198, subd. 6.	Expungement upon petition of records resolved favorably to petitioner; presumption in favor of relief. §§ 609A.02, subd. 3; 609A.03, subd. 5. Mandatory destruction of arrest records where no charges filed, if no felony/gross misdemeanor conviction in 10 years prior. Minn. Stat. § 299C.11.
MS		Expungement of first offender misdemeanors, some minor felonies, and less-serious youthful felonies. Miss. Code Ann. § 99-19-71. Restores the person's legal status, but employer may inquire about existence of expunction. Id. .Law enforcement retains.	Deferred adjudication followed by dismissal for misdemeanors and certain felonies. § 99-19-26. Expungement "shall" follow successful completion. § 99-19-26(5).			Sealing upon reaching age 20 if case dismissed or set aside; judge has discretion to seal and unseal. Miss. Code Ann. § 43-21-263(2).	Expungement of misdemeanor records not resulting in conviction. Miss. Code Ann. §§ 99-15-59.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
MO	Effective 1/2018, expungement will be available for misdemeanors and all non-Class A felonies, with exceptions for violent, sex and other serious crimes. Mo. Rev. Stat. § 610.140(2) Waiting period for misdemeanors will be reduced from 10 to 3 years, 7 for felonies. § 610.140(5)(1). Only one felony and two misdemeanors may be expunged in a lifetime; presumption in favor of expungement if eligibility criteria met.	First time alcohol-related misdemeanors, after 10 yrs. Mo. Rev. Stat. § 577.054.	Automatic sealing ("closure") of suspended & probationary sentences, sealed records remain available for law enforcement & certain licensing. Mo. Rev. Stat. §§ 557.011, 610.105-610.110.	Bad check felonies and a few public order misdemeanors may be expunged, but limited effect. § 610.140. See expansion effective 1/2018.		Records generally unavailable to the public. Mo. Rev. Stat. § 211.321.1. Court motion may seal and destroy records after age 17. § 211.321.5. Juvenile driving records may be expunged after two years or upon reaching age 21. § 302.545.	Automatic "closure" of records in all cases disposed of favorably to the defendant (nolle prossed, acquitted, dismissed) upon conclusion of the case. Mo. Rev. Stat. § 610.140(6). As amended effective 2018, expungement available after 3 years for any misdemeanor, non-Class A felony arrest, with exception for violent, sex, other serious offenses, if no intervening convictions. Immediate expungement for arrest based on false information, most misdemeanor motor vehicle offenses if nolle pros., dismissals, acquittals. § 610.122.
MT			Deferred sentencing for first felony offenders and misdemeanants, after which charges dismissed and access to records limited (but not "expunged" or destroyed). Mont. Code Ann. §§ 46-18-201, 46-18-204.	Effective Oct. 2017, expungement available for all misdemeanors once in a person's lifetime. HB0168 (2017) (to be codified at tit. 6, ch. 18). Record permanently destroyed/deleted/erased.		Automatic sealing of youth court and probation records upon reaching majority. Mont. Code Ann. § 41-5-215'216. May seek court order limiting availability prior to majority. Mont. Privacy Rules § 4.60.	Upon request of individual or order of court, all records in cases not resulting in conviction, or where conviction invalidated, must be returned to the subject. Mont. Code Ann. § 44-5-202.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
NE			Court may set aside conviction for those sentenced to probation, which "nullifies" conviction and removes "all civil disabilities and disqualifications" but does not expunge or seal record. Neb. Rev. Stat. § 29-2264.			Expungement only where an arrest is due to police error. Neb. Rev. Stat. § 29-3523(3). Limited availability of sealing (no charge, completion of diversion/probation program) upon showing of rehabilitation. § 43-2,108.03; 43-2,108.4. Adjudication treated as if it never occurred.	Mandatory sealing of non-conviction records after brief waiting period. Records not resulting in prosecution may not be disseminated to the public after a period of one year; records where charges were not filed because of completed diversion are not available to the public after two years; and records where charges were filed but later dismissed by the court are removed from the public record immediately. Neb. Rev. Stat. § 29-3523(3). Expungement also available for arrest records resulting from law enforcement error. Neb. Rev. Stat. § 29-3523(6).

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
NV	Sealing available after 2-to-10-year waiting period for felonies (depending on offense) and 1-7-year waiting period for misdemeanors, if no subsequent conviction during waiting period. Conviction may be denied (with law enforcement and firearms exceptions). No predicate effect. Nev. Rev. Stat. §§ 179.245, 179.285, 179.301. Presumption in favor of sealing if eligibility criteria met (unless "dishonorably discharged" from probation or parole). Sealing available for more minor offenses (misdemeanors & lesser felonies) under various statutes (e.g., drug offenses per Nev. Rev. Stat. § 453.3365).		Nev. Rev. Stat. Ann. § 458.300 authorizes deferred sentencing for persons adjudged an addict or alcoholic; upon successful completion of a treatment program, the conviction may be set-aside and the record sealed.			Automatic sealing upon reaching age 21 for most offenses. Nev. Rev. Stat. § 62H.140. Earlier sealing upon petition and a hearing after a three-year waiting period. Id. Sealing for certain violent/sex offenses available at age 30. § 62H.150.	Non-conviction records may be sealed at any time after completion of case, may deny arrest. Nev. Rev. Stat. §§ 179.255, 179.285. Presumption in favor of sealing if eligible.
NH	Convictions for most non-violent offenses may be "annulled" after waiting periods of 1 to 10 yrs., if consistent with rehabilitation and public welfare. Annulled records unavailable to the public, and inquiries must be limited; however, record may be given predicate effect. N.H. Rev. Stat. § 651:5.					Records closed and placed into an inactive file upon reaching age 21, with access remaining for law enforcement. N.H. Rev. Stat. Ann. § 169-B: 35.	Non-conviction data may be expunged by court subject to "public welfare" standard that applies to convictions; if expunged, arrest deemed never to have occurred. N.H. Rev. Stat. Ann. § 651:5(II).

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
NJ	N.J. Stat. Ann. § 2A:168A-7 (Rehabilitated Convicted Offenders Act, as amended in 2007) provides that a court at the time of sentencing, or thereafter may issue a certificate evidencing rehabilitation "that suspends certain disabilities, forfeitures or bars to employment or professional licensure or certification that apply to persons convicted of criminal offenses." Expungement for certain first indictable offense after 10 years (waiting period may be reduced to 5 years if "in the public interest"). 10 year waiting period reduced to 6, effective October 1, 2018. May deny record except in connection with judicial and law enforcement jobs. N.J. Stat. Ann. §§ 2C:52-2. Sentencing court may issue certificate evidencing rehabilitation that "suspends certain disabilities, forfeitures or bars to employment or professional licensure." N.J. Stat. Ann. § 2A:168A-7.	Expungement of low-level 1st offender drug offense committed before age 21 after 1 year. § 2C:52-5.	Deferred adjudication and sealing for minor drug offenses after 6-month waiting period. § 2C:36A-1. Drug court records may be expunged under N.J. Stat. § 2C:35-14.	Expungement of up to 3 disorderly persons offenses after 5 years (may be reduced to 3 years if "in public interest"). Limit of three offenses increased to four, effective October 1, 2018. N.J. Stat. Ann. § 2C:52-3. 10-year minimum waiting period if person also has a conviction for an indictable offense. § 2C:52-2. May deny record except in connection with judicial and law enforcement jobs. § 2C:52-2.	Pardon makes eligible for expungement. In re L.B., 848 A.2d 899 (N.J. Super. Ct. 2004). May deny record except in connection with judicial and law enforcement jobs.	Expungement available after 2-10 year waiting period, depending on seriousness of offense. N.J. Stat. Ann. § 2C:52-4.1. Sealing available after 2 years if no subsequent conviction/adjudication, or immediately upon military enlistment. § 2A:4A-62.	Arrest and other non-conviction data "must" be expunged at the time of disposition, with no petition required; episode deemed never to have occurred. N.J. Stat. Ann. § 2C:52-6. § 2C:52-1

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
NM			Deferred sentencing (following plea resulting in conviction) available except in first degree felony cases; rights restored but conviction remains. No expungement, and conviction has predicate effect. Does not qualify as "set-aside" for purposes of avoiding federal firearms restrictions. N.M. Stat. Ann. § 31-20-3. Conditional discharge without finding of guilt available once in lifetime except in first degree felony case. § 31-20-13. Record not expunged, but rights are not lost. Predicate effect. Distinct conditional discharge authority for first offender drug possession. § 30-31-28. Expungement available if offense committed while age 18 or younger.			Records generally confidential. N.M. Stat. Ann. § 32A-2-32. Court must seal records relating to juvenile delinquency petitions after both reaching age 18 (with exceptions) and after 2 year waiting period if no subsequent felony or misdemeanor involving moral turpitude. § 32A-2-26. Treated as though proceeding never took place.	Department of public safety authorized to expunge arrest records for certain misdemeanors, and must expunge if no final disposition can be located. N.M. Stat. Ann. § 29-3-8.1(a). Otherwise no authority to expunge or seal non-conviction court records.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
NY	Effective October 2017, all offenses other than sex offenses and class A felonies and violent felonies may be sealed after 10 years. Available for up to two offenses, only one of which may be a felony. N.Y. Crim. Proc. § 160.59. Accessible to agencies authorized to conduct background checks. Certificate of Relief from Disabilities, N.Y. Correct. Law §§ 700-706, or a Certificate of Good Conduct, §§ 703-a, 703-b, may be obtained to restore rights, at sentencing for first felony offenders not sentenced to prison, or thereafter for all from Parole Board.		Deferred adjudication includes automatic expungement upon completion unless DA demonstrates "that the interests of justice require otherwise." N.Y. Crim. Proc. Law §§ 160.58, 216.00 et seq. Conditional sealing of certain drug and other specified felony convictions upon completion of a judicially sanctioned "diversion" or drug treatment program.	Up to three prior misdemeanors may be sealed pursuant to conditional sealing authority described in column to left.	Youthful offender pardons: Cuomo program to pardon for crimes committed at age 16 or 17, limits access to criminal history by private employers, landlords, other companies.	Youthful offender adjudication records are generally unavailable to the public. N.Y. Crim. Proc. Law § 720.35(2). Delinquency adjudications for non-felony offenses may be sealed once reaching age 16 upon petition. NY CLS Family Ct Act § 375.2. Delinquency proceedings resolved in juvenile's favor are automatically sealed. § 375.1.	Sealing automatic upon termination of the action in favor of a person (including deferred adjudication), unless the district attorney demonstrates "that the interests of justice require otherwise." N.Y. Crim. Proc. Law §§ 160.50, 160.55.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
NC	Minor felonies and misdemeanors eligible for judicial Certificate of Relief to remove collateral sanctions; Certificate may be considered favorably in determining whether to disqualify from public employment or licensure. N.C. Gen. Stat.§ 15A-173.2(d).	First offender minor nonviolent felonies & most non-violent misdemeanors eligible for expungement after 15 years. N.C. Gen. Stat.§ 15A-145.5. Waiting period reduced to 5 years for misdemeanors, 10 years felonies, effective Dec. 1, 2017. May deny for most purposes. Youthful offenses: First offender nonviolent felonies and misdemeanors committed under age 18 or 21 may be expunged (4 yrs waiting period for felonies, 2 years under 18 misdemeanors & under 21 alcohol misdemeanors). N.C. Gen. Stat. §§ 15A-145, 15A-145.4. Certain gang offenses committed by first offender under age 18 may be expunged. N.C. Gen. Stat. §§ 15A-145.1, 14-458.1(c).	Deferred adjudication for first-time minor drug offenders. No conviction results if probation successfully completed. No predicate effect. Expungement of records only if under 22. N.C. Gen. Stat. §§ 90-96(a), 90-113.14(a). Deferred adjudication for cyberbullying offenses committed under age 18. May be expunged. N.C. Gen. Stat. §§ 15A-145.1, 14-458.1(c).			Juvenile records generally unavailable to the public. N.C. Gen. St. § 7B-3200(b). May be sealed by court order. § 7B-3200(c). Sealed records may be disclosed by court order. Expungement available upon reaching majority after an 18-month waiting period after demonstrating good behavior and no subsequent convictions.	Where charges are dismissed or the person found not guilty, may apply to the court for expungement if no prior felony convictions, and thereafter may deny record. N.C. Gen. Stat. § 15A-146(a). Partial expunction available for dismissed charges in a case involving multiple charges regardless of whether all charges were dismissed. § 15A-146(a1) (as amended by SB-445 (2017)). Other eligibility requirements apply.
ND	Minor felony conviction (less than one year prison) may be reduced to a misdemeanor after service of sentence. N.D. Cent. Code §§ 12.1-32-02(9) No authority to expunge or seal conviction records.	First offender marijuana possession may be sealed if not subsequently convicted within 2 years. N.D. Cent. Code 19-03.1-23(9).	Deferred imposition of sentence available per N.D. Cent. Code § 12.1-32-02, but no expungement/sealing.			Records generally unavailable to the public. N.D. Cent. Code, § 27-20-51(1); N.D.R. Juv. P. Rule 19(a). May petition for destruction at any time so long as no charges are pending. N.D.R. Juv. P. Rule 19(d). Good cause showing required. Destroyed record treated as if it never existed. N.D. Cent. Code § 27-20-54(2).	Courts have inherent authority to expunge non-conviction records for unlawful arrests, State v. Howe, 308 N.W.2d 743, 749 (N.D. 1981), and may limit public Internet access to electronic non-conviction records if charges dismissed or defendant acquitted the interest of justice will be served, N.D. Sup. Ct. Admin. R. 41(6). Balancing test applies.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
OH	Records sealed for one felony and/or up to 2 misdemeanors, after 1-3 yr. waiting period depending on offense if court finds rehabilitation. Certain serious offenses excluded. Applies to federal and out-of-state convictions. May deny conviction w/ some exceptions. Access in law enforcement and licensing contexts. Predicate offense. Ohio Rev, Code Ann. §§ 2953.31 et seq. Ohio judges may also issue a "certificate of qualification for employment" that removes automatic sanctions and allows consideration on the merits. Ohio Rev. Code Ann. § 2953.25.		Intervention in lieu of conviction available for certain non-serious first offenses; successful completion and abstinence results in not being treated as a conviction. Ohio Rev. Code Ann. §2951.041. Sealing available under Ohio Rev. Code Ann. § 2953.52.		Courts have no inherent authority to seal record of pardoned conviction. State v. Radcliff (Ohio, 2015).	Sealing of records for delinquency adjudications, except for murder or rape offenses, after 6 months from discharge. Ohio Rev. Code Ann. § 2151.356. Proceedings deemed never to have occurred.	Sealing for records that did not lead to a conviction, or in which conviction was overturned. Prosecutor may object and court may in its discretion deny, applying a balancing test: court must "[w]eigh the interests of the person in having the official records pertaining to the case sealed against the legitimate needs, if any, of the government to maintain those records." Ohio Rev. Code Ann. §§ 2953.52. May deny for most purposes. 2953.55.
OK			Deferred adjudication and probation leading to expungement (sealing) for misdemeanants and minor felony offenders. 22 Okla. Stat. Ann. § 991c. Misdemeanants also eligible one year after completion of deferred judgment, id. § 18(8). First drug offenders eligible for deferred sentencing and expungement under 63 Okla. Stat. Ann. § 2-410(A). Sealed record may be ordered "obliterated or destroyed" after an additional 10 years.	Misdemeanor with fine under $500 and no prison or suspended sentence may be expunged immediately. 22 Okla. Stat. Ann. § 18(A)(10) (eff. Nov. 2016). Otherwise, misdemeanors expunged after 5 years if no charges pending and no prior felonies. 22 Okla. Stat. Ann. § 18(A)(11).	Non-violent first offenders who have been pardoned may petition for expungement after 10 yrs. No more than two pardoned felonies may be expunged after 20 yrs. (eff. Nov. 2016). Those convicted under age 18 may also petition for expungement after pardon. 22 Okla. Stat. Ann. §§ 18(A)(6), (A)(12), (A)(13).	Expungement eligibility upon reaching age 21 if no subsequent criminal behavior. Record sealed, and destroyed after 10 years if not unsealed. May deny existence of record. Okla. Stat. tit. 10A, § 2-6-109.	Expungement (sealing) of records of acquittals, reversals, innocence, where charges never filed. 22 Okla. Stat. Ann. § 18(A)(1)-(5), (7). Sealing also authorized where charges dismissed under § 18(A)(7), if no prior felonies and time has expired for recharging. Balancing test applies.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
OR	Less serious non-violent offenses may be "set aside" after waiting period of 1 to 20 years if no other conviction in past 10 years (or ever, if setting aside Class B felony) or arrest within 3 yrs. Order must issue unless court finds it would not be "in the best interests of justice." Record sealed from public view. May deny conviction, but counts as predicate. Or. Rev. Stat. § 137.225.					Expungement and sealing eligibility for most offenses upon reaching majority. Or. Rev. Stat. § 419A.262(2). 5-year waiting period with no subsequent felony or Class A misdemeanor convictions. § 419A.262(2)(a)-(e). Set-aside available for some offenses not eligible for expungement. § 419C.610.	Arrest records may be set aside and sealed on application after 1 year if no charges filed, or at any time after an acquittal or a dismissal of the charge, Or. Rev. Stat. § 137.225(1)(b). Same procedures as apply to set-aside of convictions.
PA	Expungement with complete destruction of records available for those over 70 if no arrests for 10 yrs, and 3 yrs after death. 18 Pa. Cons. Stat. § 9122; 234 Pa. Code chs. 4, 7.		Expungement for probation without verdict (ARD) for non-violent first time drug offenses. 35 Pa. Cons. Stat. §§ 780-117, 780-119.	2nd & 3rd degree misdemeanors and ungraded offenses may be sealed under "order of limited access" after 10 years. Records are unavailable to the public, but remain available to certain state agencies, including licensing boards. 18 Pa.C.S. § 9122.1. Expungement available for "summary" offenses after 5 yrs; also for underage drinking. 18 Pa. Cons. Stat. § 9122; 234 Pa. Code chs. 4, 7.	Pardon basis for judicial expungement. Commonwealth v. C.S., 534 A.2d 1053 (Pa. 1987).	Upon reaching majority, expungement with complete destruction of records available after a five-year waiting period for delinquency adjudications. 18 Pa. Cons. Stat. Ann. § 9123.	May not be disclosed to public after three years with no subsequent conviction. 18 Cons. Stat. § 9121(b)(2)(i). Partial expungement available for non-conviction records where no disposition indicated after 18 months, and for pre-plea diversion cases after successful completion of probation). 18 Pa. Cons. Stat. § 9122. Balancing test applies. Comm. v. Armstrong, 434 A.2d 1205 (Pa. 1981). Partial expungement of charges nol prossed also available. Comm. v. Hanna, 964 A.2d 923 (Pa. Super. 2009).

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
PR	Broad expungement authority for all offenses, including violent felonies, after waiting period of six months to 5 years (felony offenders also must provide DNA sample), if applicant demonstrates "good moral reputation in the community." P.R. Laws Ann. tit. 34, §§ 1725a-1 et seq.		Certificate of rehabilitation available to persons who have not completed prison term if deemed totally rehabilitated, psychological recommendation required, court orders conviction not be included in criminal record certificate but may be used for recidivism purposes. P.R. Laws Ann. tit. 4, § 1611 et seq.				Revoked verdicts may be expunged. P.R. Laws. Tit. 34, § 1725b
RI	Expungement for felony first offenders not convicted of specified violent offenses and for individuals with up to 6 misdemeanors 5–10 years after completion of sentence. Allows denial except for certain jobs and licenses. Predicate offense. R.I. Gen. Laws §§ 12-1.3-1 et seq. "Certificate of recovery & re-entry" if no more than one non-violent felony conviction relieves petitioner of some collateral consequences. R.I. Gen. Laws § 13-8.2-1.		Expungement available immediately upon completion of deferred sentence. R.I. Gen. Laws §§ 12-19-19(c); R.I. Gen. Laws §§ 12-1.3-2(e). "Filing" complaints must be sealed upon successful completion of one-year probation, three years for domestic violence cases. R.I. Gen. Laws § 12-10-12.			Automatic sealing, with limited exceptions, upon final disposition of juvenile case. R.I. Gen. Laws §§ 14-1-6.1, 14-1-64(b). Juvenile adjudication can be used for sentencing purposes in adult court and does constitute a conviction for impeachment purposes.	Court shall after a hearing seal records of persons acquitted or "otherwise exonerated" (including charges dismissed). No prior felony convictions except in cases of acquittal. R.I. Gen. Laws § 12-1-12.1.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
SC		First offense misdemeanors (except traffic offenses) may be expunged if no other conviction within 3 years (5 years for domestic violence cases). S.C. Code Ann. § 22-5-910(A). Expungement requires destruction of record. Expungement also available for first fraudulent check offense, first offense resulting in alcohol education program, and first failure to stop for law enforcement signal. §§ 34-11-90(e), 17-22-530(A), 56-5-750(F).	Deferred adjudication for first-time minor drug offenders. No conviction results and record expunged. S.C. Code Ann. § 44-53-450. Non-violent first offenders eligible for pretrial intervention, non-criminal disposition, and expungement. §§ 17-22-10 et seq. No predicate effect. Certain non-violent offenses committed between 17 & 25 years of age resulting in probation & treatment may be expunged after 5 years if no subsequent conviction. § 22-5-920.			Expungement available upon majority for status and nonviolent offenses, with certain exceptions for serious crimes and repeat offenders. S.C. Code Ann. § 63-19-2050(A).	If charges dismissed or person found not guilty, all records "must be destroyed" and no evidence of the record pertaining to such charge may be retained by any government agency, except that law enforcement agencies may retain it for 3 and a half years. .S.C. Code Ann. § 17-1-40(B)(1).
SD			Suspended imposition of sentence for first offenders charged with non-serious felony and misdemeanor offenses; results in no conviction, records sealed. S.D. Codified Laws §§ 23A-27-12.2 through 17.	Effective 2016, arrest and conviction for Class 2 misdemeanors, municipal violations, petty offenses automatically removed from public record after 10 years. S.D. Codified Laws § 23A-3-34. Director of the Bureau of Criminal Statistics may authorize destruction of records of misdemeanors ten years after discharge, and records of persons seventy-five years of age or older who have been crime-free for at least ten years. S.D. Codified Laws § 23-6-8.1.	Pardon seals record automatically where statutory process followed. S.D. Codified Laws § 24-14-11	Sealing upon petition after a waiting period and finding of no subsequent convictions and rehabilitation. S.D. Codified Laws § 26-7A-115.	Records may be "expunged" (sealed) upon application after one year if no prosecution; at any time if charges dismissed if prosecutor consents; or after acquittal. S.D. Codified Laws § 23A-3-27. Court must find that the ends of justice and the best interest of the public as well as the defendant or the arrested person will be served." § 23A-3-30. Seals but does not destroy record.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
TN	Certain less serious non-violent felonies and misdemeanors eligible for expungement 5 years after discharge, if no more than 2 convictions, both of which must be eligible and only one a felony; Record removed from court files but remains available to law enforcement. Tenn. Code Ann. § 40-32-101(g), (k). Judicial restoration of rights and "certificate of employability" available to all residents, wherever the conviction obtained. §§ 40-29-101, 40-29-107. Certificate limits licensing denials, protects against negligent hiring liability. Tenn. Code Ann. § 40-29-107. (See Chart #5)		Deferred adjudication for misdemeanor/low-level felony if no prior felony/class A misdemeanor resulting in confinement; results in no conviction, no predicate effect (except subsequent related civil actions), records expunged. Tenn. Code Ann. §§ 40-35-313, 40-32-101(b). Misdemeanants and Class D felons who successfully complete diversion probation eligible for expungement under Tenn. Code Ann. § 40-15-102 to 40-15-106.		Pardon may serve as grounds for expungement and thus restoration of firearms privileges. See Tenn. Code Ann. § 40-32-101(h).	Effective July 2017, mandatory expungement of "misdemeanor"-only records upon petition after one-year waiting period. Tenn. Code Ann. § 37-1-153(f). Otherwise, discretionary expungement available at age 17 if one year has passed since most recent adjudication and certain criteria are met. Tenn. Code Ann. § 37-153(f). Records destroyed.	The court "shall" order "destruction" of "public records" in case of acquittal, or where charges have been dismissed. Tenn. Code Ann. § 40-32-101(a), (b). Conviction records may be redacted to expunge charges not resulting in conviction. See State v. L.W., 350 S.W.3d 911 (2011)
TX		First-offender misdemeanor sealing available upon petition for "order of non-disclosure." No waiting period applies for fine-only misdemeanors; otherwise 2 years. See Tex. Gov't Code §§ 411.073, 411.0735. First-offender DWI convictions also eligible, 2-5 year waiting period. Tex. Gov't Code §§ 411.0731, 411.0736. Order of nondisclosure limits public access, but records may be disclosed to law enforcement and certain licensing purposes.	Deferred adjudication available (certain offenses, such as sex and violent offenses, excluded), results in dismissal of charges and no conviction. For first misdemeanors, court must seal records under "order of non-disclosure" upon discharge. Tex. Gov't Code § 411.072; Tex. Code Crim. Proc. art. 42.12. May otherwise be sealed upon petition. Waiting period may apply (2 years for serious misdemeanor; 5 years for felony). Tex. Gov't Code § 411.0725.		Pardon entitles recipient to judicial expungement. Tex. Code Crim. Proc. Ann. art. 55.01(a).	Automatic sealing at age 19 for misdemeanor juvenile adjudications. Tex. Fam. Code § 58.253(b). Discretionary sealing upon petition at age 18 or two years after discharge. § 58.256. Treated as if never occurred and may not be used against person in any manner. §§ 58.261(b), 58.258(c).	A person is "entitled to" have all records expunged where an arrest does not result in a conviction, immediately in cases of acquittal or where limitations period has run, and otherwise after a waiting period. Tex. Code Crim. Proc. Ann. art. 55.01(a), art. 55.01(2)(B).

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
UT	All except serious violent offenses may be "expunged" after 3-10 yr waiting period. Order must issue unless court finds it would be "contrary to public interest." May deny conviction but otherwise of uncertain effect. Predicate offense. Utah Code Ann. §§ 77-40-101 et seq.				Pardon entitles person to expungement. Utah Code Ann. § 77-40-105(5).	Expungement after a one-year waiting period upon reaching majority and filing a petition with the court if no adult criminal record. Record available only to court thereafter. Utah Code Ann.§§ 78A-6-1105(1)(a)(i) & (ii), (e).	Person arrested may, at least 30 days after arrest, petition for expungement if no charges filed or charges dismissed. No waiting period if acquitted. Utah Code Ann. 77-40-104.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
VT	Non-violent misdemeanors and 3 minor felonies (4 effective July 2018) eligible for expungement after 5 yrs if no further conviction, or for sealing if "better serves the interest of justice." If convicted of misdemeanor during waiting period, 10 year minimum waiting period with no conviction in previous 5 yrs. Vt. Stat. Ann. tit. 13, §§ 7601 et seq. Primary difference in two forms of relief is that sealed conviction may be used as predicate; in both cases same official response "no record exists." Upon application, court must seal most convictions for crimes committed prior to age 21 two years after final discharge, if "the person's rehabilitation has been attained to the satisfaction of the court." Vt. Stat. Ann. tit. 33, §§ 5119(g), 5287(d). Convictions for decriminalized conduct immediately eligible for expungement. § 7602(a)(1)(B). Courts may relieve collateral sanctions at and after sentencing for all but the most serious offenders. 13 V.S.A. § 8001 et seq. (Vermont Uniform Collateral Consequences of Conviction Act.)	Sealing available under first offender diversion program 2 years after completion of program. Vt. Stat. Ann. tit. 13, § 164.	Deferred sentencing may result in expungement of record, may deny conviction. No predicate effect. Vt. Stat. Ann. tit. 13, § 7041. The only crime specifically excluded by statute is aggravated sexual assault of a child, see § 7041(c), though many are excluded as a matter of policy.			Records generally unavailable to the public. Vt. Stat. Ann. tit. 33, § 5117. Sealing 2 yrs after discharge unless additional charges pending & rehabilitation not attained. § 5119(a).	Court "shall" grant expungement or sealing of non-conviction records of non-violent misdemeanors and few minor felonies where charges not brought or dismissed before trial. Vt. Stat. Ann. tit. 13, § 7603. Sealing is an alternative only where crime was committed after age 19.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
VI			Deferred adjudication and expungement for non-violent first offenders, and for youthful drug possession. V.I. Code Ann. tit. 19, § 607(b)(1); tit. 5, § 3711(c). Probation and expungement for youthful offenders after 5 yr waiting period. V.I. Code Ann. tit. 5, § 3712.	Expungement of misdemeanor convictions upon petition to court. V.I. Code Ann. tit. 5, § 3734.		Court may vacate and seal juvenile records 2 years after final discharge if no intervening convictions or pending charges. 5 V.I.C. § 2531. Proceedings treated as if they never occurred. Subsequent adjudication or conviction nullifies sealing order.	Records of arrest that do not result in conviction "must be expunged" where case dismissed, acquittal, nolle prossed. Non-conviction records may be expunged by petition in most other cases. V.I. Code Ann. tit. 5, §§ 3732-3733.
VA			Deferred Adjudication for certain first time drug offenders, but no expungement. Va. Code Ann. § 18.2-251.		Absolute pardon (granted only for innocence) entitles person to judicial expungement. Simple pardon (for forgiveness) does not.	Records generally unavailable to the public. Automatic destruction of records annually if juvenile is at least age 19 and five years have passed since last hearing in any juvenile case, with several exceptions. Va. Code Ann. §§ 16.1-306(A) & 307.	Court "shall" expunge records on petition after acquittals or where charges nolle prossed or dismissed. Court must find "manifest injustice" after hearing, except where petition charged with misdemeanor has no prior record. Va. Code Ann. § 19.2-392.2. Record may be denied and employers cannot inquire. § 19.2-392.4.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
WA	All but most serious felonies and misdemeanors may be "vacated" after waiting period of 3 to 10 yrs, depending on offense. "Releases" person "all penalties and disabilities resulting from the offense." May deny conviction. Limited predicate effect. Wash. Rev. Code § 9.94A.640. Vacated record may be sealed under General Court Rule 15 if the court determines the need for privacy or safety outweighs the public interest in access. Certificate of Restoration of Opportunity after 1 to 5 years. Relieves licensing bars; provides protection from negligent hiring/renting. §§ 9.97.010, .020		After conviction of "any crime," court may suspend or defer sentence, and place defendant on probation; may petition to have record vacated and sealed after probation expired. Wash. Rev. Code §§ 3.66.067, 9.95.200.		Pardon vacates conviction automatically, and seals record. Wash. Rev. Code § 9.94A.030 (11)(b).	Sealing automatic after age 18 (or after release from confinement or supervision) for most offenses if terms of disposition satisfied, unless state objects. Wash. Rev. Code § 13.50.260. Otherwise, available by court order for most offenses after a crime-free waiting period of two to five years depending on the seriousness of the offense. Id.	Courts may seal records under General Rule 15 if the court determines the need for privacy or safety outweighs the public interest in access. Non-conviction records in criminal justice agency files may be sealed administratively two years after disposition favorable to defendant. Wash. Rev. Code § 10.97.060.
WV	Effective July 2017, qualifying non-violent felony may be reduced to "reduced misdemeanor" at court's discretion after 10 years. W. Va. Code §§ 61-11B-1 to 61-11B-5.	Youthful (18-26) first offender misdemeanor convictions may be expunged after 1 year (violent, domestic violence, DUI, crimes against children excluded). Records sealed, may be opened only on court order to subject or prosecutor. W. Va. Code § 61-11-26.		See first offender column.	Judicial expungement 1 yr. after pardon and 5 years after discharge if good cause (certain exceptions for violent crimes); may not be considered for licensing and teaching. W. Va. Code § 5-1-16a.	Automatic sealing after later of age 19 or one year after termination of jurisdiction unless case is transferred to adult court. W. Va. Code § 49-5-18(a), (f). Treated as though proceedings never occurred.	Court may expunge records (except those held by the DMV) of acquittals, dismissals if person has not previously been convicted of a felony. W.Va. Code § 61-11-25.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
WI	In sentencing youthful offenders (under 25), court may order misdemeanor and minor first felony convictions expunged upon successful completion of sentence. Wis. Stat. § 973.015. Court records destroyed, but prosecutor may ask that offense conduct be considered in context of new crime. See State v. Leitner, 646 N.W.2d 341, 352 (Wis. 2002). Reliance on expunged conviction to deny employment violates state fair employment law. Staten v. Holton Manor (LIRC, 2018).		Deferred prosecution in domestic violence & some sex offense cases authorized by Wis. Stat. § 971.37; upon successful completion of deferral, charges dismissed and no conviction results. No provision for expungement of records.			Expungement upon petition after reaching age 17 and a finding that sentencing requirements have been completed and expungement will benefit offender without harming society. Wis. Stat. § 938.355(4m).	No provision for sealing or expunging non-conviction records. However, fingerprint records returned by law enforcement if person arrested is subsequently released without charge or "cleared of the offense through court proceedings." Wis. Stat. § 165.84(1).
WY	Certain less serious felony and misdemeanor convictions may be expunged 10 years after sentence expires if no other felony convictions, and if court finds applicant is not a danger. Violent and sexual offenses, and those involving firearms, ineligible. Wyo. Stat. Ann. §§ 7-13-1501, 1502. Records sealed but not destroyed. §§ 7-13-1401(j)(1). .	See deferred sentencing column.	Deferred sentencing for first felony offenders and misdemeanants (certain serious crimes excluded); avoids conviction but expungement specifically prohibited. Wyo. Stat. Ann. §§ 7-13-301 et seq.			Juvenile records are generally unavailable to the public. Wyo. Stat. § 14-6-203. May apply for expungement after reaching majority and presenting evidence of rehabilitation and no subsequent offenses. Violent felonies ineligible. § 14-6-241(a). Proceedings deemed never to have occurred.	Courts "shall" expunge eligible non-conviction records 180 days after dismissal of proceedings. Wyo. Stat. Ann. § 7-13-1401. Records sealed but not destroyed. Wyo. Stat. Ann. §§ 7-13-1501
FED			Deferred adjudication for first misdemeanor drug possession under 18 U.S.C. § 3607(a). See also id. at (c) (expungement available if under 21 years old at time of offense).				Some federal courts assert inherent ancillary authority to expunge if arrest or conviction is invalid or subject of clerical error. United States v. Sumner, 226 F.3d 1005 (9th Cir. 2000). Also DNA expunged if conviction overturned. 10 U.S.C. § 1565(e); 42 U.S.C. § 14132(d).

APPENDIX C: 50-STATE COMPARISON OF LAWS LIMITING CONSIDERATION OF CRIMINAL RECORDS IN EMPLOYMENT & LICENSING

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
AL						None
AK						None
AZ					If civil rights restored cannot be barred from licensure or public employment "solely because of" conviction; offense must have "reasonable relationship" to employment or occupation. Ariz. Rev. Stat. § 13-904(E).	
AR			Conviction may be considered but may not bar from licensure; 5 years of law-abiding conduct is "prima facie evidence of rehabilitation." Reasons for rejection must be in writing. Ark Code Ann. § 17-1-103.			

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
CA	Employment: Cal. Gov't Code § 12952 (eff. 2018): Unlawful employment practice under FEHA to consider non-conviction history, inquire about history before conditional offer of employment, or to reject based on conviction prior to making "an individualized assessment of whether the applicant's conviction history has a direct and adverse relationship with the specific duties of the job that justify denying the applicant the position." Applies to public and private employers with more than 5 employees. Licensing: "[N]o person shall be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation . . . or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license. . . .". Cal. Bus. & Prof. § 480(b). Suspension or revocation of license allowed only if crime "substantially related" to qualifications. Id. § 490.					

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
CO	Court imposing a non-prison sentence may enter order relieving defendant of any collateral consequence. Colo. Rev. Stat. §§ 18-1.3-107 (sentencing alternatives), 18-1.3-213 (probation), and 18-1.3-303 (community corrections). Negligent hiring protection for convictions not "directly related" to employment, or that have been sealed or pardoned. Colo. Rev. Stat. § 8-2-201(b).	Conviction alone may not be basis for refusing employment or licensure unless law specifically authorizes. Colo. Rev. Stat. § 24-5-101(1). Ban-the-box: State agencies and licensing boards may not conduct background check until applicant is a finalist for the position or receives a conditional offer. In determining disqualification, agency must consider (1) the nature of the conviction; (2) the relationship of the conviction to the job; (3) the applicant's rehabilitation and good conduct; and (4) time elapsed since conviction. § 24-5-101(4). Arrest records not leading to conviction may not be used.				
CT	Ban-the-box in public and private employment. Effective Jan. 2017, no employer may ask about charges or convictions on initial application unless required by law or the position requires fidelity bond. Conn. Gen. Stat. § 31-51i(b) Additional requirements for public employment: § 46a-80(b) ("no [state employer] shall inquire about a prospective employee's past convictions until such prospective employee has been deemed otherwise qualified for the position").	With limited exceptions relating to law enforcement and certain mortgage-related licenses, public employers and licensing authorities may not disqualify a person automatically on the grounds of a prior conviction but must consider: 1) the nature of crime and its relationship to the job; 2) information pertaining to rehabilitation; and 3) time elapsed since conviction. Conn. Gen. Stat. §§ 46a-80(a) and (c). If conviction used as a basis for rejection of an applicant, it must be in writing and specifically state the evidence presented and reasons for rejection. § 46a-80(d).		Ban-the-box in public employment. Conn. Gen. Stat.§ 46a-80(b) ("no [state employer] shall inquire about a prospective employee's past convictions until such prospective employee has been deemed otherwise qualified for the position").	May not deny employment or licensure based on pardoned offense. Conn. Gen. Stat. §§ 46a-80(a) and (c).	

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
DE		Ban-the-box: public employers and contractors prohibited from inquiring into criminal records prior the making an offer of employment. Del. Code Ann. tit. 19, § 711(g); tit.29, § 6909B(a). Uniform licensing policy that crimes must be "substantially related" to the profession or occupation at issue. 74 Del. Laws 262 (2004) (codified in scattered sections of Del. Code. Ann., tit. 24).				
DC	D.C. Code § 1-601.01	Licensing: Crimes must "bears directly upon the fitness" of the person to be licensed. D.C. Code §§ 47-2853.17(a), 3-1205.03. Public employment: Limits pre-employment inquiries for most government positions until after the initial screening. Must consider: duties and responsibilities of the position, bearing on performance of duties, time elapsed, age at time of the offense, the frequency and seriousness of the offense, rehabilitation and good conduct, and public policy interest. D.C. Code § 1-620.42 - .43.				
FL		Crime may be basis of disqualification from public employment only if a felony or first-degree misdemeanor that is "directly related" to the employment, or from licensure only if their crime is among those identified by the licensing agency as "directly related." Fla. Stat. §112.011(1)(a) and (b). Additional treatment requirements for drug offenders. Fla. Stat. ch. 775.16.				

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
GA	State-wide ban-the-box in public employment by executive order (2/23/15). "Program and Treatment Completion Certificate" issued by the Board of Corrections, or pardon, protect against liability for negligence. Ga. Code Ann. § 51-1-54.		Professional license may not be denied or revoked in whole or in part because of a felony conviction that does not "directly relate" to the license. See Ga. Code Ann. § 43-1-19(p).			Conviction of any crime involving moral turpitude may be grounds for revocation or refusal of a license, without regard to whether it is related to the practice of the licensed business or profession. See Ga. Code Ann. § 43-1-19(a)(3).]
HI	"Ban-the-box plus:" General FEP law prohibits inquiry into arrest and conviction before a conditional offer of employment, which may be withdrawn if a conviction within the previous 10 years "bears a rational relationship to the duties and responsibilities of the position." Haw. Rev. Stat. §§ 378-2.5(b), (c). In addition, crime w/in 10 years may be considered only if rational relationship to job or occupation. Haw. Rev. Stat. § 831-3.1(a). Exceptions for healthcare, corrections, and law enforcement. Haw. Rev. Stat. § 831-3.1(f). Arrest records may not be considered at all. See Haw. Rev. Stat. § 378-2.5(b), (c).					
ID						None
IL	Negligent hiring protection where employer relied on certificate of certificate of relief from disabilities. 730 ILCS 5/5-5.5-15(f). Ban-the-box policy in private employment by statute, 30 ILCS 105/5.855, and in public employment by administrative order.		In general, Illinois limits consideration of conviction in connection with occupational licensing only for certain employments, and only where a person has received a certificate of relief from disabilities. ILCS 5/5-5-5. Certain occupational licensing boards use "direct relationship" test. See, e.g., ILCS 450/20.1 (accountant); § 335./9.1(b) (roofer).		Human Rights Act prohibits discrimination based on conviction only if expunged or sealed. ILCS § 5/2-103(A). Waiver by agency permits for certain health-care positions. See § 46/40.	

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
IN	·		Except for serious drug offenses, "a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of a crime." Ind. Code § 25-1-1.1-1.	Job applications for state Executive Branch employment may not contain questions about criminal history. Criminal background checks "typically will be conducted at a later point in the application and hiring process." E.O. 17-15. Negligent hiring protection for nonconviction, acquittal, dismissal, sealing, pardon, vacatur, and offense not related to civil suit. SB-312 (2017).	It is "unlawful discrimination" for any person to refuse to employ or license a person because of a record that has been expunged or sealed. Ind. Code § 35-38-9-10(a). Inquiry into expunged convictions prohibited. §35-38-9-10(c).In negligence action an expungement order may be introduced as evidence of due care. § 35-38-9-10(f) and (g). Non-conviction records and records that have been expunged may not be reported by credit reporting companies. §24-4-18-6(a).	
IA						Iowa has no general law regulating consideration of conviction in employment or licensure, but applies a direct relationship test in connection with some licenses. See, e.g., Iowa Code§ 147.3 (health-related professions licensing)
KS			"Notwithstanding any other provision of law, any person, board, commission or similar body who determines the qualifications of individuals for licensure, certification or registration may consider any felony conviction of the applicant, but such a conviction shall not operate as a bar to licensure, certification or registration." Kan. Stat. Ann. § 74-120.			No nondiscrimination rule, but it is a misdemeanor for an employer to inquire into an applicant's criminal history record without the applicant's consent. See Kan. Stat. Ann. § 22-4710(a)-(c).

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
KY		"No person shall be disqualified from public employment, [or from] . . . any occupation for which a license is required, solely because of a prior conviction of a crime, unless the crime for which convicted is [a felony or misdemeanor punishable by imprisonment] or otherwise directly relates to the position of employment sought or the occupation for which the license is sought." Factors include nature and seriousness of the crime; the relationship of the crime to duties and responsibilities of the position sought. Ky. Rev. Stat. Ann § 335B.020(1) - (3).		Executive Order 2017-064 prohibits state agencies from including questions about criminal history on job applications. Additionally prohibits agency inquiry into criminal history until an interview is offered, unless the agency is "required by law to do so."		
LA			An "otherwise qualified" person may not be denied an occupational or professional license based on conviction unless it involves a felony that "directly relates to the position of employment sought, or to the specific occupation, trade or profession for which the license, permit or certificate is sought." Exemptions for violent and sex offenses, and for specified professions, including health, education, finance, and law enforcement. Reasons required, APA enforcement. Exempt licensing entities required to record and report any actions involving convicted individuals to legislature. La. Rev. Stat. §§ 37:32, 37:36.	Ban-the-box for "unclassified" state employment positions: May not inquire into criminal history until after initial interview or after a conditional offer of employment. HB 266 (2016). "Classified" positions covered by Civil Service Rule 22.4.1		

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
ME			May not consider convictions more than 3 years old, or which call for less than a year in prison. Me. Rev. Stat. Ann. tit. 5, § 5303. Certain professions (medical, nursing) have 10-year debarment. Id.			
MD			May not deny occupational license solely on basis of conviction unless "direct relationship," or "would pose unreasonable risk." Md. Crim. Proc. Code Ann. § 1-209. Standards for licensing in COMAR 09.01.10.02 include nature of offense, relationship to licensed activity, length of time since conviction, conduct before and after conviction. Drug offenses specifically subject to similar analysis. Md. State Gov't Code § 10-1405. Effective Oct. 2017, Certificate of Rehabilitation prohibits denial of license solely on the basis of previous conviction, with exceptions. Md. Code Ann., Corr. Servs. § 7-104.	Ban-the-box: State government employers may not inquire about criminal history until after interview. Md. Code Ann., State Pers. & Pens. § 2-203		No general law, but a consumer reporting agency cannot report conviction information that is older than seven years for purposes of employment, if the job about which information sought is expected to pay an annual salary less than $20,000. Md. Code Ann., Com. Law § 14-1203(a)(5).
MA	Ban-the-box: Public and private employers may not inquire into criminal records on an initial job application, unless the job is one for which a convicted person is presumptively disqualified by law. Mass. Gen. Laws ch. 151B, § 4(9 ½). Restriction on access to criminal records for licensing, employment, housing, etc by "authorized requestor." Only available for 5 years for misdemeanor, 10 for felony. Exceptions apply. ch. 6, § 172. Stricter limitations for access by general public. Id.				Licensing authorities may not disqualify applicant based on pardoned felony conviction. Mass. Gen. Laws ch. 127, § 152 (2011).	Licensing agency may not disqualify based on conviction alone in certain professions. See, e.g., Mass. Gen. Laws ch. 112 § 52D (dentistry); ch.112, § 61 (medical license); ch. 112, § 189 (real estate appraiser). Limits on inquiry. E.g., employers may not inquire into misdemeanor convictions more than 5 years old or arrest records. Mass. Gen. Laws ch. 151B, § 4(9).

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
MI			Conviction "shall not be used, in and of itself, by a licensing board or agency as proof of a person's lack of good moral character," but it may be used as evidence in the determination. Mich. Comp. Laws § 338.42. Cannot consider non-conviction records, convictions that did not result in incarceration, or convictions unrelated to capacity to serve the public. § 338.43(1).			
MN	Negligent hiring protections. Minn. Stat. §181.981. Ban-the-box for public and private employers. § 364.021(a).	Must be "direct relationship" between occupation or license and conviction history and individual must not have shown "sufficient rehabilitation and present fitness to perform" the duties of the public employment or licensed occupation. Minn. Stat § 364.03. Factors to be considered set out. Rehabilitation established by 1 yr. w/o arrest after release, or successful completion of probation or parole. See id.			Data mining companies: if they know that a criminal record has been sealed, expunged, or is the subject of a pardon, the screening service shall promptly delete the record. Minn. Stat. 332.70 subd 3a.	
MS						
MO			No denial of license "primarily" because of conviction where sentence fully discharged. Mo. Rev. Stat. § 324.029. Conviction may be considered as "some evidence of an absence of good moral character" but licensing board shall also consider the nature and date of crime, evidence of good character. Mo. Rev. Stat. § 314.200.	Ban-the-box: State agencies, departments, commissions, and boards overseen by the Executive Branch may not ask about criminal history in applications "unless a criminal history would render an applicant ineligible for the position." Executive Order 16-04.		
MT			Conviction shall not operate as bar to licensure for any profession, but may be considered. Mont. Code Ann. § 37-1-201. 203.			

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
NE				Ban-the-box: Public employers may not ask about criminal history until determination that applicant meets minimum qualifications for position. R.R.S. Neb. § 48-202.		
NV				Nondiscrimination in public employment, prohibiting initial inquiry, setting standards for decision, and providing for enforcement. (Enacted in 2017, effective in 2018.)		Nevada has no general law but applies a direct relationship test in connection with some licenses. See, e.g., Nev. Rev. Stat.§ 625.410(4) (engineering and land surveying).
NH			No license may be denied or impaired on the basis of conviction unless the licensing entity determines the crime is substantially and directly related to the licensed activity. N.H. Rev. Stat. Ann. § 332-G:10.		Inquiry into annulled offenses limited. N.H. Rev. Stat. Ann. § 651:5(X)(c).	
NJ	2014 Opportunity to Compete Law (A1999) imposes ban-the-box rule for public and private employment. Sentencing court or thereafter a supervisory agency may issue certificate of rehabilitation suspending disabilities, forfeitures or bars to employment or professional licensure. N.J. Stat. Ann. § 2A:168A-7.		Licensing authorities may not "discriminate" on grounds of conviction unless reasonably related to occupation. N.J. Stat, Ann. § 2A:168A-1. Reasons in writing. § 2A:168A-2.		Pardon or expungement, or certificate of rehabilitation, "shall preclude a licensing authority from disqualifying or discriminating against the applicant." N.J. Stat, Ann. § 2A:168A-3.	

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
NM		A person may be disqualified for public employment or licensure based on prior conviction if: 1) conviction relates directly to the position sought; 2) agency determines after investigation that the person so convicted has not been sufficiently rehabilitated to warrant the public trust; or 3) an applicant for a teaching certificate or employment at child-care facility has been convicted of drug trafficking or sex offenses, regardless of rehabilitation. N.M. Stat. Ann. § 28-2-4(A). Completion of parole or probation or a three-year period following release from incarceration creates a presumption of rehabilitation. N.M. Stat. Ann. § 28-2-4(B). Must state reasons in writing. Ban-the-box: Public employer may not inquire into conviction until individual selected as finalist for position. N.M. Stat. Ann. § 28-2-3(A). Records of arrest not resulting in conviction, and misdemeanor convictions not involving "moral turpitude," may not be considered in any application for public employment or licensure. § 28-2-3(B).				

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
NY	Prohibits discrimination in employment and licensing based on conviction. N.Y. Correct. Law §§ 750-755. Must be direct relationship and unreasonable risk to property or safety. § 752. Individual is entitled to reasons. § 754. N.Y.S. Human Rights Law, N.Y. Exec. Law § 296(16), prohibits public and private employers and occupational licensing agencies from denying any individual employment or a license (or otherwise discriminating against that person) because of any arrest that did NOT result in a conviction. Negligent hiring: N.Y. Exec. Law § 296(15) excludes evidence in suit for negligent hiring where employer complied with antidiscrimination law. Certificate of Relief from Disabilities, N.Y. Correct. Law §§ 700-706, or a Certificate of Good Conduct, §§ 703-a, 703-b, may be obtained to restore rights, at sentencing for first felony offenders or thereafter for all. NYC Fair Chance Act: No employer may ask about an applicant's criminal history until a conditional offer is made.			Per executive order of Gov. Cuomo, applicants for competitive positions in state agencies may not be required to disclose prior convictions until an initial hiring decision is made.		

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
NC	Reliance on Certificate of Relief provides protection in negligent hiring action, N.C. §15A.173.5	Certificate of Relief relieve collateral sanctions, and agency may consider a Certificate favorably in determining whether a conviction should result in disqualification from public employment or licensure. N.C. Gen. Stat. § 15A-173.2(d).	Occupational licensing board may not automatically disqualify based on conviction unless authorized to do so by law governing board. N.C. Gen. Stat. § 93B-8.1(b). Boards authorized to disqualify based on conviction must first consider enumerated factors. Certain law enforcement-related boards excluded.			
ND			Licenses for most professions and occupations may be denied only if offense has direct bearing, or if insufficient rehabilitation; factors to be considered include nature of offense, evidence of rehabilitation, and date of offense (5 yrs. deemed prima facie evidence of rehabilitation). N.D. Cent. Code § 12.1-33-02.1. Written statement of reasons if denied in whole or in part because of conviction. Id.			
OH	Certificate of qualification for employment "immunity" from negligent hiring liability. Ohio Rev. Code Ann. § 2953.25-G(2).	An individual barred from a particular occupation or license may apply to the court for a "certificate of qualification for employment" that allows consideration on the merits. Ohio Rev. Code Ann. § 2953.25.	Ohio Rev. Code Ann. § 4743.06 (each agency authorized to deny licensure without a hearing based on specified criminal offenses may not add disqualifying offenses without specifying by rule their "substantial relationship" to a person's fitness for the occupation.	"No public employer shall include on any form for application for employment with the public employer any question concerning the criminal background of the applicant." Ohio Rev. Code Ann. § 9.73.	May be questioned about sealed conviction only if it bears if direct and substantial relationship to the position. Ohio Rev. Code Ann. §§ 2953.33(B).	
OK			Most specialized licensing boards may not deny/suspend/revoke a license unless conviction was for a felony that "substantially relates to the practice" or "poses a reasonable threat to public safety." 2015 HB 2168	Ban-the-box: State agencies may not ask about criminal history on application "unless a felony conviction would automatically render an applicant not qualified." Executive Order 2016-03. Does not apply to "sensitive governmental positions in which a criminal history would be an immediate disqualification."	No public or private employer may ask about or consider a sealed conviction. 22 Okla. Stat. Ann. § 19(F).	

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
OR	Ban-the-box: Neither pubic nor private employers may require an applicant to disclose conviction information before an initial interview or, if no interview is conducted, before making a conditional offer. 2015 HB 3025.		May not bar from licensure solely on grounds of conviction; may consider facts of conviction and all intervening circumstances in determining the fitness of the person. Or. Rev. Stat. 670.280(2), (3). Teacher licenses excepted. Id.			
PA	Felony and misdemeanor convictions may be considered only to the extent they "relate to" the applicant's suitability for employment or licensure in the position for which he has applied. 18 Pa. Cons. Stat. §§ 9124 (licensure) 9125 (employment).			Commonwealth hiring policy of Gov. Tom Wolf generally prohibits consideration of summary convictions, expunged/pardoned/anulled convictions, and "convictions that do not relate to an applicant's suitability for Commonwealth employment." Criminal history inquiries prohibited on employment applications. See http://www.oa.pa.gov/Policies/hr/Documents/TM001.pdf		
PR						None
RI	"Certificate of recovery & re-entry" if no more than one non-violent felony conviction relieves petitioner of some collateral consequences. R.I. Gen. Laws § 13-8.2-1. Ban-the-box: Oral or written inquiries about arrests to applicants for public or private employment prohibited as an unlawful employment practice; and (effective January 1, 2014) convictions until the first interview. R.I. Gen. Laws § 28-5-7(7).					Prohibits inquiries about arrests as unlawful employment practice, but specifically permits inquiries about convictions. See R.I. Gen. Laws § 28-5-7(7) ,

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
SC			May not be denied a license solely due to conviction unless the criminal conviction is directly related to the profession or occupation. S.C. Code. Ann. § 40-1-140. But, board may refuse "if . . . it finds the applicant is unfit or unsuited to engage in the profession or occupation." Id.			
SD						None
TN	Judicial restoration of rights and "Certificate of Employability" limits licensing denials, protects against negligent hiring liability. Tenn. Code Ann. § 40-29-107.			Ban-the-box for state employment (not including political subdivisions of the state): May not ask about criminal history on initial application unless federal or state law requires a background check or disqualification based on conviction. SB-2440 (2016).		None
TX	Limitation on negligent hiring suits based solely on conviction. Tex. Civil Practice and Remedies Code § 142.002.		Licensing authority may deny/suspend/revoke license if conviction "directly relates" to the licensed occupation," if offense does not directly relate but is less than 5 years old, or if specified violent and sexual offenses. Tex. Occupations Code§ 53.021(a). §§ 53.022 and 53.023 require licensing agencies to consider a number of factors in determining whether a conviction is directly related to the occupation.			

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
UT			"Unprofessional conduct" includes commission of crime that "bears a reasonable relationship to the licensee's or applicant's ability to safely or competently practice the occupation or profession." Utah Code Ann. § 58-1-501(2). Regulations define further at U.A.C. R156-1-302 to include various aggravating and mitigating factors.	Ban-the-box for public employment (including all state agencies and political subdivisions): May not inquire about criminal history before an initial interview has taken place, or before conditional offer extended (if no interview conducted). Exemptions for many positions, including those for which consideration of criminal history is required by law. Utah Code Ann. §§ 34-52-101 to -201.		
VT	Order of relief or certificate of restoration of rights issued under 13 VSA §§8010 and 8011 are admissible as evidence of due care. Ban-the-box in public/private employment: Beginning July 2017, no employer may ask about criminal history in initial application. Vt. Stat. Ann. tit. 21, § 495j. Does not apply to positions where federal/state law/regulation creates mandatory/presumptive disqualification.		"Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession," basis for denial of license in over 40 professions. See Vt. Stat. Ann. tit. 3, § 129a(10)			
VI	Ban-the-box in government employment by Executive Order (2014).		May not be denied a license "solely because of" conviction unless "directly related" to the occupation or profession for which the license is sought. Board can refuse a license if applicant is "unfit or unsuited." Va. Code Ann. § 54.1-204. Standards for determining "direct relationship" spelled out in § 54.1-204(B).			
VA						None

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or conviction pardoned	No regulation of licensing or employment
WA	2018 ban-the-box law prohibits inquiry into criminal history by public and private employers until determination of qualification; excepts employers authorized to conduct background check. To be codified in Title 49. Certificate of Restoration of Opportunity (CROP) available for misdemeanors and certain felonies prohibits denial of many licenses solely because of criminal history. HB-1553 (2016). CROP protects against negligent hiring. HB-1553 (2016).	May consider a conviction only if within the last 10 years and the crime "directly relates" to the employment or license sought. Several exceptions. Wash. Rev. Code § 9.96A.020(1)-(2).				
WV						No general provision; a few professions require that conviction be "directly related" to the activity. See W. Va Code § 30-3-14(c)(2) (medicine);§ 30-16-11(a)(3) (chiropractic); § 47-14-11(a)(4)(pre-need funeral contracts).
WI	Fair employment act bars discrimination by public and private employers, licensing boards, unless crime "substantially relates" to the particular job or licensed activity. Wis. Stat. §§ 111.321, 111.335(1)(c).			Ban-the-box: No inquiry into the criminal history of civil service applicants until after the applicant has been certified for the position. Wis. Stat. § 230.16(ap). However, "If a particular conviction record disqualifies applicants for a certain position in the state civil service, the director may request a person applying for the position to supply information regarding the conviction record."		
WY						None
FED				Only limitation on employment in Title VII of Civil Rights Act.		No general limitation on licensure.