

WHAT DO YOU NEED TO KNOW ABOUT EXPUNGEMENT?



WHAT IS EXPUNGEMENT?

Expungement is the process of removing a criminal charge from your public record. It helps people get a second chance by clearing certain charges so they don't show up in background checks.

WHO CAN GET HELP FROM VOLUNTEER LAWYERS BIRMINGHAM (VLB)?

- ☒ You must live in Jefferson County, Alabama
- ☒ Your charges must have happened in Jefferson County
- ☒ You must have paid all court fines and fees for the charge
- ☒ You must have completed your sentence, probation, court program, etc.
- ☒ You must be income-eligible for free legal help

WHAT CAN BE EXPUNGED?

You may be able to expunge:

- Up to 2 misdemeanors and 1 felony conviction in your lifetime
- Unlimited dismissed charges that did not result in a conviction, if they were dismissed without conditions
- NOTE: One expungement includes all charges stemming from a single arrest or incident.

WHAT CANNOT BE EXPUNGED?

-  Convictions for violent crimes
-  Convictions for sex crimes
-  Crimes involving children
-  Serious traffic violations
-  Felonies without a pardon

IMPORTANT: Charges do not disappear automatically—even if dismissed! You must ask the court to remove them.

HOW LONG MUST I WAIT?

Before filing for an expungement, you must wait:

- At least 90 days after a dismissal, not guilty verdict, or no-bill by a grand jury
- 1 to 5 years for other charges, depending on how the charge was dismissed and whether it was a misdemeanor or felony
- 3 years after a misdemeanor conviction
- 180 days after receiving a pardon for a felony conviction

IMPORTANT NOTES:

- Filing for expungement does not guarantee that it will be granted.
- The filing fee for each expungement is \$500, unless you qualify for a fee waiver.
- You will need to provide certain official documents with your expungement petition, including:
 - A certified arrest or court record
 - A certified background check from ALEA

QUICK ELIGIBILITY CHECKLIST:

➡ YOU MAY QUALIFY FOR EXPUNGEMENT OF DISMISSED CHARGES IF:

(ONE of the following must be true)

- The case was dismissed with prejudice, *or*
- You were found not guilty, *or*
- The charge was no-billed by a grand jury, *or*
- The charge was nolle prossed (dismissed without conditions), *or*
- You completed drug court, veterans court, or mental health court successfully, *or*
- The charge was dismissed without prejudice and not refiled in 1 year (misdemeanor) or 5 years (felony).

➡ YOU MAY QUALIFY FOR EXPUNGEMENT OF A MISDEMEANOR CONVICTION IF:

(ALL of the following must be true)

- It was not a violent offense, sex offense, or crime of moral turpitude, *and*
- You've waited 3 years since conviction, *and*
- You've paid all fines and completed probation, *and*
- You've had fewer than 2 misdemeanor convictions previously expunged.

➡ YOU MAY QUALIFY FOR EXPUNGEMENT OF A FELONY CONVICTION IF:

(ALL of the following must be true)

- You were pardoned and had your rights restored, *and*
- You've waited 180 days since the pardon, *and*
- It was not a violent offense, sex offense, or crime of moral turpitude, *and*
- You've not had any prior felony convictions expungements granted.

NEXT STEPS!

1 OBTAIN RECORDS:

- Certified case action summaries for each of the charges you are seeking to have expunged
- A certified copy of your criminal history background from ALEA (Ala. Law Enforcement Agency)

2 FILL OUT FORMS:

- You must fill out a Petition for Expungement and Certificates of Service for each charge
- If you are seeking to have your filing fee waived, fill out an Affidavit of Substantial Hardship

3 FILE WITH THE COURT:

Take all paperwork to the court clerk's office, along with filing fee or Affidavit of Substantial Hardship

Visit our website where you can find more detailed information about expungements, including links to required forms:

