

Sealing Criminal Records (Expungement)

Overview

In some cases, you can ask the court to seal your criminal records. This used to be called expungement. It is now called Petition and Order to Seal.

Your criminal records will not be physically destroyed, but they will be sealed and treated as confidential.

What records can be sealed?

When you were sentenced, the sentencing had to be under a law that allows your criminal records to be sealed. Before you can ask to have your records sealed, you must complete all the terms and conditions of your probation. You also have to pay any fines or costs that were part of your sentence.

You CANNOT ask to have your records sealed if:

- You are a sexual offender whose victim was under the age of 18 years
- You have a felony and any part of your sentence was spent in the Arkansas Department of Corrections
- You have a Class Y felony
- You have a Class A or B felony that are not drug offenses
- You were sentenced for manslaughter
- You have an unclassified felony with a maximum sentence that was more than 10 years
- You have a violent felony

Benefits of Sealing Your Records

When your criminal records are sealed, you may have an easier time finding employment and housing.

When you interview for a job or housing, you can legally state that you have not been convicted or arrested of a crime.

Sealing your criminal records can NOT:

- Restore your gun rights if you are sealing a felony conviction (that was not under a specific law)
- Give you guardianship over another person if you are sealing a felony conviction

- Prevent your record from being used against you in a trial, by the police, or by the prosecutor if you are arrested or go to court
- Block access by employers in law enforcement, day care, nursing homes, and teaching.

Who can see my sealed records?

- The defendant and/or their attorney
- Criminal Justice Agency for a job reference
- A court if you have been convicted of another crime
- Prosecuting attorney
- Arkansas Crime Information Center (ACIC)

If your criminal records appear in a background check after they have been sealed, you have a right to ask for the background check company's information and give them the Order to Seal. The company will have to correct their records. (Background check companies are still governed by the Fair Credit Reporting Act.)

When certain employers (like teachers, day care workers, nursing homes, and law enforcement agencies), do a background check, all convictions show up. This means that they can see any sealed criminal records.

For more information, visit ACIC at:
www.acic.org

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*The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. **Always do what the court tells you to do.***