

Instructions for Expungement of Conviction or Diversion

Caution: Use of forms without the assistance of an attorney could harm your legal rights. You may want to have an attorney review your completed forms before you file them with the court. These are basic forms and may not cover every situation.

1. Complete the Petition for Expungement. Where your name is required, insert your full legal name. All sections must be filled out.
2. Sign the Petition for Expungement. Your signature is your affirmation that all of the information in the petition is accurate to the best of your knowledge.
3. Complete paragraphs numbered 1 through 8 of the Order for Expungement.
4. Sign the Order for Expungement.
5. File the original petition and order with the Manhattan Municipal Court and pay the expungement fee. The fee for filing an expungement will be \$60.00 per case.
6. If you were charged with more than one offense on the case you are seeking expungement, you must include all the offenses on the Petition and Order.
7. The clerks can provide you with your case information, i.e. offenses charged, date of offense, disposition/conviction and termination of case. They cannot assist you in filling out forms.
8. Incomplete forms or forms with incorrect information will be returned.

IN THE MUNICIPAL COURT OF MANHATTAN KANSAS

CITY OF MANHATTAN

Case No. _____

vs.

_____[Name]
Petitioner
Defendant

PETITION FOR EXPUNGEMENT OF CONVICTION OR DIVERSION

I respectfully request of the Court an order of expungement of my conviction and related arrest records **OR** diversion record and related arrest records. In support thereof, I state the following:

1. My full name is _____;
2. My full name at the time of my arrest or conviction, if different than #1, was _____;
3. I am a _____ [Race] _____ [Sex] born in _____ [Date of Birth];
4. I was charged with the crime/crimes of _____ in Manhattan, Kansas occurring on _____ [Date] and;
5. I was convicted of _____ on _____ [Date];

OR

I was granted a diversion for the crime of _____ on _____ [Date];

6. The convicting court or diverting authority was the Manhattan Municipal Court;

- 7. The date of final discharge was _____;
- 8. More than three five ten years have elapsed since I fulfilled the terms of a diversion agreement, satisfied the sentence imposed, or was discharged from probation, a community services program, parole, post-release supervision, conditional release or a suspended sentence;
- 9. I have not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against me;
- 10. The conviction or diversion for which expungement is sought is not one of the offenses set out in K.S.A. 21-6614(d), for which no expungement is permitted; I affirm under penalty of perjury that the statements in this Petition are accurate to the best of my knowledge and I respectfully request that the Court set this matter for hearing and grant the expungement.

Defendant Signature
Name (Print): _____
Address 1: _____
Address 2: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____
E-mail Address: _____

Conviction	Date when crime was committed	Time since sentence completed	Time since diversion completed	Time since discharged from probation, community correctional services, parole, postrelease supervision, conditional release or suspended sentence	Expungement Available	K.S.A. with more details
		Or	Or			
applying for title of a motor vehicle under a false name or address	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
crime punishable as a felony wherein a motor vehicle was used	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
cigarette or tobacco infraction	Not relevant	3 years	3 years	3 years	Yes	21-6614(a)
driving under the influence – regardless of number of offenses (<i>see</i> K.S.A. 8-1567)	Prior to July 1, 2006	5 years	5 years	5 years	Yes	21-4619 (repealed and transferred to 21-6614 – L. 2010, Ch. 136)
driving under the influence – 1 st offense (<i>see</i> K.S.A. 8-1567)	On or after July 1, 2006	5 years	5 years	5 years	Yes	21-6614(d)
driving under the influence – 2 nd or subsequent offense (<i>see</i> K.S.A. 8-1567)	*On or after July 1, 2006 except those committed on or after July 1, 2014, and prior to July 1, 2015	10 years	N/A	10 years	Yes	21-6614(d)
driving under the influence – 2 nd or subsequent offense (<i>see</i> K.S.A. 8-1567)	*On or after July 1, 2014, and prior to July 1, 2015	7 years	N/A	7 years	Yes	21-6614(d) L. 2014, Ch. 102 § 6. L. 2015 Ch. 71, § 4.
driving while canceled, suspended or revoked	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
failing to have motor vehicle insurance	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
failing to stop at the scene of an accident and perform required duties	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
misdemeanor	Not relevant	3 years	3 years	3 years	Yes	21-6614(a)
traffic infraction	Not relevant	3 years	3 years	3 years	Yes	21-6614(a)
City ordinance violation	Not relevant	3 years	3 years	3 years	Yes	21-6614(a)

IN THE MUNICIPAL COURT OF MANHATTAN KANSAS

CITY OF MANHATTAN

Case No. _____

vs.

_____ [Name]

Petitioner
Defendant

ORDER FOR EXPUNGEMENT

On this ____ day of _____ 20____, the Court considers the Petition for Expungement filed herein.

The Court finds jurisdiction and venue are proper.

The Court finds as follows:

1. The full name of the petitioner is _____;
2. The full name of the petitioner at the time of his/her arrest or conviction, if different than #1, was _____;
3. The petitioner is a _____ [Race] _____ [Sex] born in _____ [Date of Birth];
4. The petitioner was charged with the crime/crimes of _____
_____ in Manhattan, Kansas occurring on _____ [Date] and;
5. The petitioner was convicted of _____ on _____ [Date];

OR

The petitioner was granted a diversion for the crime of _____
on _____ [Date];

6. The convicting court or diverting authority was Manhattan Municipal Court;

7. The date of final discharge was _____;
8. More than three five ten years have elapsed since petitioner fulfilled the terms of a diversion agreement, satisfied the sentence imposed, or was discharged from probation, a community services program, parole, post-release supervision, conditional release or a suspended sentence;
9. The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;
10. The conviction for which expungement is sought is not one of the offenses set out in K.S.A. 21- 6614(d), for which no expungement is permitted;
11. The petitioner's current circumstances and behavior warrant this expungement and this expungement is consistent with public welfare.
12. The petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:
 - A. In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution as defined in K.S.A. 76-12a01, and amendments thereto, of the department for children and families;
 - B. In any application for admission, or for an order of reinstatement, to the practice of law in this state;
 - C. To aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed

appropriate by the executive director of the Kansas lottery;

D. To aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in pari-mutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

E. To aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

F. Upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

G. To aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

H. To aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

I. In any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102 and amendments thereto;

J. In any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or K.S.A. 74-5602, and amendments thereto; or

K. For applications received on and after July 1, 2006, to aid in determining the

petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto;

L. For applications received on and after July 1, 2016, to aid in determining the petitioner's qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A. 50-6,141, and amendments thereto.

M. In the following circumstances as deemed appropriate by the Court:

_____.

IT IS THEREFORE ORDERED that the petitioner's arrest record, conviction or diversion record herein, named above, shall be expunged. The Clerk of the Court, upon receipt and filing herein, shall send a certified copy of the Order of Expungement to the Kansas Bureau of Investigation which shall notify the Federal Bureau of Investigation, the Secretary of Corrections, and any other criminal justice agency which may have a record of the arrest, conviction or diversion described herein.

IT IS SO ORDERED this ____ day of _____, 20____.

Municipal Court Judge

Submitted by:

Approved by:

Petitioner's Signature
Name (Print): _____
Address 1: _____
Address 2: _____
City, State, Zip: _____
Telephone: _____
Fax Number: _____
E-mail Address: _____

City Prosecutor