

A Community Guide to Record Clearing

If you've ever been arrested, charged, or convicted of a crime, your record can impact your ability to get a job, housing, education, and more. That impact is called "[collateral consequences](#)."

This guide will help you understand the basics of criminal record clearing. It will explain what this means, what options you have, and how to begin the process.

This is not legal advice, and it may not tell you exactly what to do in your state, but it will help you understand the basic steps. It will also explain why this is so important for people living and aging with HIV.

➤ For more on collateral consequences, see the CHLP Aging Initiative webinar on [Housing as Healthcare](#).

➤ For more on the laws in your state, see the [National Reentry Resource Center](#).



Note: Laws and definitions vary by state. Two different states may use the same term, e.g., "expungement," to describe different kinds of record clearing. This guide has assigned consistent definitions to each term to make its information understandable and internally consistent, so always check your state's laws to find out what's available to you and what the terms mean where you live.

What Is Record Clearing?

Record clearing is when part of your record is hidden, erased, overturned, or destroyed to reduce what other people can see about past criminal system involvement.

Your record is the official documentation of an arrest, charge, or conviction, and it can follow you long after the case is over.¹ In some cases, record clearing might be automatic. In other cases, you will have to file paperwork with the court to get your record cleared.

Crimes are usually categorized as either misdemeanors or felonies, though what qualifies as each varies by state. **Misdemeanors** are generally less serious offenses, often punished by fines, probation, or less than a year in jail.²

Felonies are more serious and typically carry prison time of more than a year.³ The type of crimes you can get cleared from your record after a conviction varies from state to state.

You cannot get your record cleared until you are done with a case—for example, after you have completed any term of probation or parole. A major barrier to getting a record cleared may

be if you owe court costs and fines even after the other terms of your sentence are completed; many, but not all states will not permit someone to get their record cleared until they do not owe any money.

LANGUAGE AND DEFINITIONS

Every state has its own laws and language for record clearing. Terms like “expungement” can mean different things in different states, and some states use terms that are unique to them.

In this guide, we are providing general definitions for each term, so you are aware of what kind of options are available for clearing your record, although the words used may be different in your state. Always be sure to check your state’s laws to know what is available to you and how the terms apply locally.

If you are not a US citizen, there may be special issues that you need to think about before getting your record cleared, and you should discuss your options with an immigration attorney before proceeding.



¹ *Record*, Black’s Law Dictionary (11th ed. 2019).

² *Misdemeanor*, Black’s Law Dictionary (11th ed. 2019).

³ *Felony*, Black’s Law Dictionary (11th ed. 2019).

Different Forms of Record Clearing

Expungement: The Strongest Tool

EXPUNGEMENT

What it is: Expungement is one of the most powerful legal tools for clearing a record. It removes a record from public view, normally permanently destroying it.⁴ After a record is expunged, it is like it never happened, and cannot be taken into consideration for things such as employment or housing.

To pursue expungement, you usually need to file a petition with the court and meet eligibility rules that vary by state. Some states require a waiting period, an otherwise clean record, and/or require proof of rehabilitation.⁵ The rules for who qualifies and what can be cleared vary widely.

When it's available: Eligibility for expungement depends on the type of record and your state's laws. Some states only allow expungement for cases that did not lead to a conviction.⁶ Others permit expungement for certain low-level convictions, usually misdemeanors or first-time offenses. A small number of states allow expungement for felonies, and even then, only in narrow [circumstances](#).

► **Find the laws in your state at the [National Reentry Resource Center](#).**

How to do it: Expungement usually requires filing paperwork with the court and following a specific legal process. Many states have examples of the paperwork that you need to file available online, typically on the website for the court system in your state or city.

If you are going to represent yourself, which is known as filing “pro se,” these examples can be

used as guides. If you were represented in your original case by the public defender's office, many offices around the country will represent you, for free, in expunging your record once you qualify—but this representation is not automatic; you must contact them.

There are also agencies around the country that will help you clear your record, either for free or for a low cost if you are low-income (typically below 125% of the federal poverty level).

Special Consideration—Redactions:

A redaction is when you get certain charges from a case removed from your record, though other charges/convictions from that same case remain. For example, if you are originally charged with attempted murder, but as part of a plea agreement, plead guilty to an assault charge, you may be able to get the fact that you were ever charged with attempted murder removed from your record by filing for a redaction, even if the conviction for assault remains on your record. A redaction can have an important impact on what kind of collateral consequences you face.

Special Consideration—Age: Of particular importance to PLAHIV are state laws that allow for TOTAL expungement of a record after you reach a certain age. In Pennsylvania, for example, you can get all convictions expunged from your record after you turn 70, even if you could not get them off your record prior to then due to the restrictions on expungement for certain felonies. Also, many legal aid offices around the country have special programs to help people over the age of 60, even if they are slightly higher income.

⁴ *Expungement*, Black's Law Dictionary (11th ed. 2019).

⁵ See Iowa Code § 901C.3 (allowing a one-time expungement of certain non-violent misdemeanors with strict eligibility rules and waiting periods); S.C. Code Ann. § 17-22-910 et seq. (permitting limited expungement for specific misdemeanors, often following diversion program completion); Va. Code §§ 19.2-392.5 to -392.17 (authorizing expungement of certain misdemeanors and low-level felonies under a 2021 law, though the system has not been fully implemented).

⁶ See Fla. Stat. § 943.0585 (2023) (expungement allowed only for a single non-conviction with no prior convictions); Neb. Rev. Stat. § 29-3523 (2023) (permits expungement of arrest records under certain non-conviction conditions); Haw. Rev. Stat. § 831-3.2 (2023) (allows expungement for non-convictions, including certain deferred pleas); Wis. Stat. § 973.015 (2023) (limits expungement to select misdemeanors and nonviolent Class H or I felonies committed before age 25 and with no prior record).

Alternatives to Expungement

SEALING

What it is: Sealing hides your record from most of the public, including landlords, employers, and schools, but the record still exists. Government agencies, law enforcement, and courts can usually still see it.⁷ After your record is sealed, you are permitted to answer questions about your prior involvement in the criminal legal system in many circumstances as if you did not have one.

► **Note:** Sealing in the context of criminal record clearing is different than when the term sealing is used in reference to a particular in-court procedure.

When it's available: Sealing is allowed in many states for certain arrests, dismissed charges, or low-level convictions. Some states seal records automatically after a certain time, i.e. number of years after the case is over and the sentence is completed, but many still require you to apply.

How to do it: You usually need to file a petition with the court and meet requirements depending on your state's law. In some cases, sealing happens automatically. It is important to look up your particular case to determine whether or not it will be automatically sealed or if you need to file a petition. The process when you file a petition is similar to that of filing a petition for expungement.

Expungements versus Sealing: With both an expungement and sealing, your record is no longer viewable by the public. However, with sealing, there remain agencies, such as the FBI, that can still access that information. If you get another criminal conviction, your record may be unsealed. Thus, typically, if you have the option of pursuing an expungement, even if a sealing would be automatic, you should consider that option because after an expungement, the record should be gone permanently.

PARDONS

What it is: A pardon is an official act of forgiveness from a state governor or the president. It does not erase your record, but it can restore your civil rights, like voting or holding a professional license.⁸

When it's available: Most states allow people to apply for a pardon after finishing their sentence. Some states require a pardon before you can get an expungement for certain convictions.

How to do it: You need to apply through a state agency or the governor's office. This often includes an application, references, and a statement about your rehabilitation. The process can be slow and competitive. Many agencies that provide assistance with sealing and expungements do not help with pardons due to how time-intensive they can be. However, you can often find self-help materials.

VACATUR / SET-ASIDE

What it is: Vacatur is when a court cancels or overturns a conviction. It is often due to a previous injustice, legal error, or being criminalized for surviving abuse or trafficking.⁹ Similarly, a set-aside is used in some states and dismisses a conviction after the sentence is completed.¹⁰

When it's available: Vacatur is often used in cases involving trafficking survivors or wrongful convictions. Set-aside is allowed in some states after successful completion of probation or other requirements.

How to do it: You typically have to file a motion with the court explaining why the conviction should be withdrawn. A hearing may be required. Legal help is strongly recommended.

⁷ *Seal*, Black's Law Dictionary (11th ed. 2019).

⁸ *Pardon*, Black's Law Dictionary (11th ed. 2019).

⁹ *Vacate*, Black's Law Dictionary (11th ed. 2019).

¹⁰ *Set Aside*, Black's Law Dictionary (11th ed. 2019).

CERTIFICATES OF RELIEF / REHABILITATION

What it is: These are documents from a court or state agency—a department, office, board, commission, or other institution created by the state to carry out specific governmental functions—that show you’ve completed your sentence and should not be denied opportunities just because of your record.¹¹ They don’t erase your record, but can help with jobs, housing, or licensing.

When it’s available: These are available in several states, especially where expungement or sealing isn’t an option. Some states require you to wait a certain period after finishing your sentence.

How to do it: Check whether your state offers these through the courts, corrections department, or parole board. You may need to show proof of rehabilitation, complete forms, and attend a hearing.

CERTIFICATES OF GOOD CONDUCT, REENTRY, OR RELIEF FROM DISABILITIES

What it is: These are similar to rehabilitation certificates and help show you’ve moved forward. They can help with job and housing applications even if your record is still visible.¹²

When it’s available: These vary widely by state and are often available after completing probation or parole, or after a set period with no new charges.

How to do it: You usually apply through a court, state agency, or parole board. Requirements may include documentation, a hearing, or proof of rehabilitation.

ORDERS OF NONDISCLOSURE

What it is: This tool hides your record from most employers and the public but still allows government agencies to access it. It’s commonly used in Texas and a few other states.¹³

When it’s available: Often tied to deferred adjudication or diversion programs, where you complete requirements instead of being convicted.

How to do it: You must file a request with the court and meet specific conditions, such as completing a program and not receiving new charges.

JUVENILE RECORD RELIEF

What it is: Special rules apply to records from when you were under 18. Many states offer broader relief for juvenile records, such as sealing or expungement.

When it’s available: Most states automatically seal or expunge juvenile records after a certain time or allow easier access to relief compared to adult records.

How to do it: Check your state’s juvenile justice laws. You may qualify without needing to go to court, or you may need to file a petition with the juvenile court.

¹¹ *Certificate of Rehabilitation and State Agency*, Black’s Law Dictionary (11th ed. 2019).

¹² See *N.Y. Correct. Law § 703-a* (2022) (providing for Certificates of Good Conduct to remove statutory bars to employment and licenses).

¹³ Tex. Gov’t Code §§ 411.071–411.0835.

Legal Tools That Support Record Clearing

Some laws don't clear your record directly, but they're designed to reduce harm and protect your rights, especially in the job market or when you can't access expungement. These legal protections can help you move forward while you work toward other relief.

AUTOMATIC RELIEF / CLEAN SLATE

What it is: Some states automatically clear or seal certain records after a set number of years, without you needing to apply. This is called "Clean Slate" relief.

When it's available: Only in some states, and usually for low-level offenses. These laws are new and still being rolled out in many places. Not all records are included.

How to do it: If your state has a Clean Slate law, your record may already be cleared or should be. To check, run a background check on yourself or ask the court. If your record wasn't cleared but should've been, you might be able to ask for it to be fixed.

FAIR CHANCE / BAN THE BOX LAWS

What it is: These laws don't erase your record, but they protect you during the job application process. Employers can't ask about your record until later in hiring, usually after a conditional offer.¹⁴

When it's available: Many states and cities have adopted these laws, especially for public jobs. Some also apply to private employers.

How to do it: This protection is automatic if you live somewhere with these laws. If an employer breaks the rules, you can file a complaint or seek help from a legal aid or employment rights organization.

How These Tools Work Together

The different tools and protections in this guide build on and overlap each other. Some relief options can make you eligible for others, and some laws offer support while you wait for or apply for record clearing.

Relief tools that can be combined:

- A pardon might allow you to seek expungement in states that require it first.
- A vacated conviction can sometimes be sealed or expunged afterward.
- A certificate of rehabilitation or good conduct can help with jobs or housing if you aren't eligible for expungement or sealing yet.
- Juvenile relief may allow faster access to expungement or sealing than adult records.

Framework laws that offer protection while you navigate the system:

- Clean Slate laws might clear your record automatically over time, even if you don't apply.
- Fair Chance Hiring laws can give you a better opportunity at employment while your record is still visible.

¹⁴ <https://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions>

Resources

This publication uses the collective knowledge of advocates, legal organizations, and movement partners who have been involved in this work.

The resources below are for deeper learning or state-specific breakdowns. Additionally, we'll also be sharing a comprehensive document listing organizations that provide direct legal support by state.

CLEAN SLATE INITIATIVE

cleanslateinitiative.org

National movement advocating for automatic record clearing and policy reform.

NACDL'S RESTORATION OF RIGHTS PROJECT

nacdl.org/Restoration

A powerful, searchable guide to relief by state, including pardons, expungement, and civil rights restoration.

COLLATERAL CONSEQUENCES RESOURCE CENTER

ccresourcecenter.org

Tracks how records limit housing, jobs, and more.

ROOT & REBOUND

rootandrebound.org

Community-focused legal empowerment.

PRISON POLICY INITIATIVE

prisonpolicy.org

Research and data on how incarceration and records entrench inequality.

BRENNAN CENTER FOR JUSTICE

[How Criminal Records Hold People Back](https://www.brennancenter.org/our-work/issue briefs/how-criminal-records-hold-people-back)

Explainer on the real-world harms of records and the urgent need for reform.

LEGAL ACTION CENTER

lac.org/resource/national-expungement-database-and-toolkit/

Toolkit on record clearing.



The information contained within this guide is not legal advice. If you need legal advice for your particular situation, you should contact an attorney barred in your state.