



## ALABAMA LAW ENFORCEMENT AGENCY

# Criminal Record Expungement Kit

The 2013 Legislature created a law allowing, in certain situations, a criminal charge on a person's record to be removed. This packet is provided to assist attorneys or petitioners as a step by step guide to file for an expungement.

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#### For questions, contact:

ALEA Records & Identification Division  
P.O. Box 1511  
Montgomery, Alabama 36102-1511  
[www.alea.gov/expungement](http://www.alea.gov/expungement)  
334-353-4340

# Section A

**Overview / Checklist**

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## Criminal Records Expungement Kit

### Overview of Process

A petitioner may file for the expungement of criminal charge (*see checklist for qualified charges below*) in the Circuit Court of the jurisdiction where the original charge was filed. Using the official petition in **Section D** of this packet, a petitioner may only request expungement for one charge per petition, and that charge must be specifically identified through the submission of certified documents. If the court grants the petition for expungement, each agency that maintains any record related to the expunged charge must forward all such records to ALEA. ALEA will digitally store any records received and destroy physical records. The expunged information is then sealed and separated from the official criminal history record. Please note, there are a few exceptions for accessing the official criminal history record for law enforcement purposes. Therefore, any expunged record is no longer part of a person's criminal record for public purposes.

### Checklists for Expungement

#### Are you qualified to file for an expungement?

##### *Qualified Charges for Expungement*

A **non-felony charge** (a misdemeanor criminal offense, a violation, a traffic violation OR a municipal ordinance violation) may be expunged if one of the following criteria are met:

- the charge was dismissed with prejudice
- the charge was no billed by a grand jury
- the defendant was found not guilty of the charge
- the charge was dismissed without prejudice more than two years ago, has not been refiled, and the defendant has not been convicted of any other felony or misdemeanor crime, any violation, or any traffic violation, excluding minor traffic violations, during the previous two years

A **non-violent felony charge** may be expunged if:

- the charge was dismissed with prejudice
- the charge was no billed by a grand jury
- the defendant was found not guilty of the charge
- the charge was dismissed after successful completion of a drug court program, mental health court program, diversion program, veteran's court, or any court-approved deferred prosecution program AND more than one year has passed from the successful completion of the program
- if the charge was dismissed without prejudice more than five years ago, was not refiled, and I have not been convicted of any other felony or misdemeanor crime, any violation, or any traffic violation, excluding minor traffic violations, during the previous five years
- ninety days have passed from the date of dismissal with prejudice, no-bill, acquittal, or nolle prosequi and the charge has not been refiled

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## Criminal Records Expungement Kit

### What files do I need to file for an expungement?

#### *Files required to file for an expungement*

- a certified criminal history record from ALEA (see below)

AND one of the following:

- a certified record of arrest from the appropriate law enforcement agency for the court record
- a certified record of disposition from the appropriate court for the court record
- a certified record of the case action summary from the appropriate court for the court record

### How do I get a certified Criminal History Record?

#### *Requirements for a certified Criminal History Record from the ALEA Records and Identification Division*

- completely fill out the request form (**Section C**)
- an official set of the petitioner's fingerprints that may be obtained from ALEA Headquarters in Montgomery or a local law enforcement agency
- a copy of the petitioner's photo ID
- \$25 (\$5.00 for each additional copy)

# Section B

## Frequently Asked Questions

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## Criminal Records Expungement Kit

### Frequently Asked Questions

#### What is expungement?

The removal of criminal charges from a person's criminal history record accessible for public purposes, such as an employee background check. Expungement is not applicable to a criminal conviction or any violation of the statutes, rules or regulations of the Alabama Securities Commission. Any expunged records are still available to the court or law enforcement.

#### Can a conviction be expunged?

No. Only charges for non-felonies or non-violent felonies under certain circumstances may be expunged. See the checklist in **Section A** for the specific list of charged offenses that may be expunged.

#### What if my official criminal history record does not show a charge for an offense that I know I have received?

Not all charges show up on a person's criminal history record for a variety of reasons. Older records were not always sent to ALEA for entry into the state's criminal history database. Some charges are not automated in which case procedures have been put in place to catch these files while being converted to electronic format. Some records have not yet been sent to ALEA and, on occasion, records may be lost or destroyed at the local level. Even if the charge does not appear on a certified criminal history record, a record may still exist in a local law enforcement agency, a prosecutor's file or a court record system. These records may still be accessible or eventually sent to ALEA for inclusion into the official record. If a petitioner knows of a record, even though it does not show up, that person should still file for the expungement to prevent these records from being sent to ALEA at a later date. If granted, the record will be officially removed from any agency for public dissemination.

#### Can a police department or court keep a record of an expunged charge?

Any criminal justice agency with records on an expunged charge, such as arrest records, booking or arrest photos, or references in the State Court's Information System, must be forwarded to ALEA. However, a law enforcement agency or official, district attorney or a prosecuting authority, the Alabama Department of Forensic Sciences, or the Department of Human Resources may maintain an investigative file, report, case file, or log which may include any evidence, biological evidence, photographs, exhibits, or information in documentary or electronic form. Once an order of expungement is issued, though, this information cannot be disseminated for a non-criminal justice purpose.

#### Who can see an expunged record?

Expunged records may not be used for any non-criminal justice purpose and may only be made available to criminal justice agencies upon acknowledgement of an investigation or other criminal matter involving the person related to the expungement.

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## Criminal Records Expungement Kit

### Do I have to divulge that I have been charged for an offense that has been expunged?

The petitioner whose record was expunged does not have to disclose that fact on an application for employment, credit, or other type of application. However, the petitioner whose record was expunged shall have the duty to disclose the fact of the record and any matter relating thereto to any government regulatory or licensing agency, any utility and its agents and affiliates, or any bank or other financial institution. In these circumstances, the government regulatory or licensing agency, utility and its agents and affiliates, or the bank or other financial institution shall have the right to inspect the expunged records after filing notice with the court. A person applying for a position as a law enforcement or corrections officer must disclose and provide a copy of the expungement to the agency.

### Will an expunged criminal charge show up on an employee background check?

Once an order of expungement is granted, that offense will no longer be part of a publically accessible record used for employee background checks.

### Does an expungement apply to a non-government background check service?

An order of expungement does not necessarily apply to an unofficial 3<sup>rd</sup> party background service. However, if a petitioner provides notice to the service that an expungement has been granted, the record may no longer be intentionally disseminated by that entity.

### Does an expungement restore my rights to carry a firearm?

An expungement order shall not entitle an individual to ship, transport, possess, or receive a firearm. Any person whose record of conviction is expunged may have his or her right to ship, transport, possess, or receive a firearm restored by a Certificate of Pardon with Restoration of Civil and Political Rights from the Alabama Board of Pardons and Paroles.

# Section C

## **ALEA Criminal History Forms**

- a. Application to Review Alabama Criminal History Record Information**
- b. Attorney/3<sup>rd</sup> Party Representation Waiver Form**



## Application to Review Alabama Criminal History Record Information

### Applicant Information

Full Name (First, Middle, Last, Suffix): \_\_\_\_\_

Applicant Current Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Alias or Nickname(s): \_\_\_\_\_ Sex/Gender:  Male  Female

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ (month/date/year)

Race:  White  Black  Asian  Indian  Other (please specify) \_\_\_\_\_

Current Driver's License Number: \_\_\_\_\_ Issuing State: \_\_\_\_\_

Current e-mail address: \_\_\_\_\_

Home Phone #: (\_\_\_\_\_) \_\_\_\_\_ Cell Phone #: (\_\_\_\_\_) \_\_\_\_\_

Work Phone #: (\_\_\_\_\_) \_\_\_\_\_ Extension: \_\_\_\_\_

**Included with my Application are the following items:**

- Completed Application signed by applicant and two witnesses or notarized.
- The required copy of my valid photo identification (see "Appendix B" for applicant instructions, required documents and accepted forms of identification).
- The required \$25.00 administrative fee (must be in the form of a money order or Cashiers checks made payable to the ALEA Records and Identification Division).
- A classifiable copy of my own fingerprints taken by an authorized law enforcement agency as required (please see "Appendix C" for instructions).

*I, the above referenced individual, hereby request to Review my Alabama criminal history record information (CHRI) maintained by the Alabama Law Enforcement Agency. By signing below and submitting this application, I hereby verify that the information listed in my application and in the attached documentation is correct. I also acknowledge that I understand that, in accordance with Section 41-9-601 of the Code of Alabama 1975, that any person who willfully requests, obtains or seeks to obtain criminal offender record information under false pretenses, or who willfully communicates or seeks to communicate criminal offender record information to any agency or person without authorization, may be guilty of a felony, and shall be fined not less than \$5,000 nor more than \$10,000 or imprisoned in the state penitentiary for not more than five years or both. § 41-9-601, Code of Ala. (1975).*

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Name of Witness \_\_\_\_\_ Name of Witness \_\_\_\_\_

Address of Witness \_\_\_\_\_ Address of Witness \_\_\_\_\_

City, State and Zip \_\_\_\_\_ City, State and Zip \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Signature \_\_\_\_\_ My Commission Expires \_\_\_\_\_, 20\_\_.



## Application to Challenge Alabama Criminal History Record Information

### Request to Challenge CHRI maintained by ALEA

An individual may Challenge or Appeal any portion of his or her own Criminal History Record Information (CHRI) maintained by the ALEA Records and Identification Division that he or she believes to be **incomplete** or **inaccurate**. This may be requested by completing the *ALEA Application to Challenge AL Criminal History Record Information* and returning it along with the required documentation to ALEA within one calendar year of the date of the ALEA response to the individual's request to review CHRI.

**Please ATTACH IN WRITING to this completed application the following information regarding EACH arrest and/or disposition you wish to challenge:**

1. **The charge and DATE of each** specific arrest or disposition being challenged;
2. **The Name of the ARRESTING AGENCY OR COURT for each** arrest or disposition being challenged;
3. **A listing of each specific arrest or disposition** being challenged;
4. **The details related to why each specific arrest** is incorrect or incomplete;
5. **What the applicant believes to be the correct information for each arrest or disposition** being challenged;
6. **Where the applicant obtained what he/she believes to be the correct supporting information** (if applicable); and
7. **Official documentation from the arresting agency or court (if applicable) to support** each arrest or disposition being challenged.

**Please mail your completed application, along with the required documentation to:**

**ALEA Records & Identification Division  
P.O. Box 1511  
Montgomery, Alabama 36102-1511**

The *ALEA Application to Review or Challenge AL Criminal History Record Information* will be reviewed by an ALEA official, along with the documentation provided. The applicant will be notified as promptly as possible of the results of the challenge and you may appeal a decision that is unsatisfactory to you according to the procedures established by the ALEA Commission.

**Questions?** Contact the Alabama Law Enforcement Agency's Records & Identification Division by calling **334-353-4340**. ALEA's normal business hours are Monday through Friday, from 8:00 a.m. until 5:00 p.m. Central Standard Time (CST).



## Applicant Instructions

### For completing the ALEA Applications to Review or to Challenge Alabama Criminal History Record Information

In order for your request to review, challenge or appeal your Alabama criminal history record information to be processed by the Alabama Law Enforcement Agency (ALEA), **you must complete the ALEA Application to Review or to Challenge AL Criminal History Record Information in accordance with the following instructions:**

1. **Your application must include ONE COPY of at least one of the following forms of your own valid photo identification:**
  - a. A valid unexpired United States state-issued photo driver license or photo ID (non-driver) card;
  - b. A valid unexpired United States Active Duty, Retiree or Reservist military ID card (DD Form 2 or 2A);
  - c. A valid unexpired United States Military Dependent ID card (for spouse or children of Active Duty Military personnel);
  - d. A valid unexpired United States Citizenship and Immigration Service Documentation, which may include either:
    - i. Certificate of Naturalization N-550, N-570, N-578; or
    - ii. Certificate of Citizenship N-560, N-561, N-645
  - e. A valid unexpired United States Passport; or
  - f. A valid unexpired Foreign Passport which meets the following requirements:
    - i. A foreign passport must contain a Valid United States Visa or I-94 to be used as a primary proof of identification; or
    - ii. A foreign passport, not issued in English, must be translated and accompanied by a Certificate of Accurate Translation. Passports are not acceptable if un-translated into English and/or expired.
2. **Your application must include the required \$25.00 administrative fee in the form of only a cashier's check or a money order** made payable to the "ALEA Records and Identification Division" (*sorry – personal and/or business checks are not accepted*); and
3. **Your application must include a classifiable set of your own fingerprints, taken by an authorized law enforcement agency** with an FBI-issued Originating Agency Number (ORI).
  - a. The fingerprints accompanying your application should be provided to ALEA on an official FBI-approved "Applicant" fingerprint card or a FBI-approved AFIS printout of an official "Applicant" fingerprint card (i.e., FBI blue card) collected by an approved law enforcement agency with a valid FBI ORI. This permits positive identification and insures that the proper criminal record is reviewed.
  - b. Details for the fingerprinting agency may be found in APPENDIX C.
4. **If your application is to CHALLENGE any part of your CHRI maintained by ALEA, the application must include, at a minimum:**
  - a. The charge and DATE of each specific arrest or disposition being challenged;
  - b. The Name of the ARRESTING AGENCY OR COURT for each arrest or disposition being challenged;
  - c. A listing of each specific arrest or disposition being challenged;
  - d. The details related to why each specific arrest is incorrect or incomplete;
  - e. What the applicant believes to be the correct information for each arrest or disposition being challenged;
  - f. Where the applicant obtained what he/she believes to be the correct supporting information (if applicable); and
  - g. Official documentation from the arresting agency or court (if applicable) to support each arrest or disposition being challenged.
5. **Your completed request and all of the required documentation should be mailed to:**

Alabama Law Enforcement Agency – Records & Identification Division  
P.O. Box 1511  
Montgomery, Alabama 36102-1511

Please allow a minimum of 5-10 business days from the date the application is received by ALEA for ALEA to process your request for review. Requests to Challenge CHRI information do NOT fall under this timeframe, as they require additional research, contact and verification with the arresting agencies, etc. If you have any questions concerning this procedure, you may contact ALEA by calling (334) 353-4340.



# Instructions for Law Enforcement Official Taking the applicant's fingerprints on FBI "Applicant" Fingerprint Card FD-258 (Rev 12-10-07)

In accordance with Alabama law and the procedures established in Section 265-X-2 of the *Alabama Administrative Code*, individual citizens may request and may be provided with classifiable sets of their own fingerprints to accompany a request for his/her own Alabama criminal history record information (CHRI) from the Alabama Law Enforcement Agency (ALEA).

1. One of the requirements for an individual to request their own criminal history record information is that the individual to provide ALEA with a classifiable set of his or her own fingerprints (taken by an authorized law enforcement agency with an FBI-issued ORI) with his or her application to Review or Challenge his or her own Alabama criminal history. This permits positive identification and insures that the proper criminal record is reviewed and/or challenged.
1. The individual you are fingerprinting should provide proper identification to your agency upon request.
2. The individual's fingerprints should be taken by law enforcement on an FBI "Applicant" Fingerprint Card (i.e. blue card). Please insure that your agency's name and ORI, AND your name and telephone number, are included on the completed fingerprint card. A sample of the FBI "Applicant" Fingerprint Card FD-258 (Rev 12-10-07) for your reference purposes is provided below.

The image shows a sample of the FBI 'Applicant' Fingerprint Card (FD-258). The card is divided into two main sections. The left section is the 'APPLICANT' information form, which includes fields for name, date of birth, sex, race, height, weight, eye color, hair color, and place of birth. It also has sections for 'RESIDENCE OF PERSON FINGERPRINTED' and 'ADDRESS AND ADDRESS'. The right section is the 'FEDERAL BUREAU OF INVESTIGATION' section, which includes the FBI logo and the text 'APPLICANT'. It contains instructions for the law enforcement official, such as 'THIS CARD FOR USE BY:', '1. LOOP', '2. WHORL', and '3. ARCH'. It also includes a 'REMARKS' section and a 'FINGERPRINTS' section with a grid for recording the results of the fingerprinting process.

3. Please return the completed fingerprint card to the applicant, as it is the APPLICANT's responsibility to mail the completed CHRI request form, along with his/her own fingerprint card and the other required documents to:
 

*Alabama Law Enforcement Agency  
Records and Identification Division  
P.O. Box 1511  
Montgomery, Alabama 36102-1511*
4. If you have any questions, please call ALEA at (334) 353-4340. To request blank FBI APPLICANT cards, your law enforcement agency may contact the FBI's Identification and Investigative Services Section's Customer Service Group at (304) 625-5590 or by e-mail at [liaison@leo.gov](mailto:liaison@leo.gov)



ALABAMA LAW ENFORCEMENT AGENCY

Authorization to Release Criminal History Record Information and Release of Liability

I, the undersigned, hereby authorize the ALEA Records and Identification Division (RID) to release to my attorney,

(name) \_\_\_\_\_,

(address) \_\_\_\_\_,

(phone)(\_\_\_\_\_) \_\_\_\_\_,

information which shall include but not be limited to, my entire criminal history record, any information relative to my criminal history, and the details of my background check for the purpose of future expungement request(s) pursuant to Alabama Code § 15-27-1 et seq. (1975). In addition, I authorize the ALEA RID to discuss any information regarding procedures for updating or correction of its records, as appropriate, as permitted by law and policy. This may include requests from the ALEA RID to my attorney for information, clarification of information, and/or submission of additional documentation on my behalf. NOTE: The reference to "my attorney" in this document includes not only the individual lawyer named above but also any other attorney, paralegal, co-worker, or employee with whom he or she presently is professionally associated and who adequately establishes that association to the ALEA RID.

I further release ALEA and the ALEA RID from any and all liability of any kind for releasing any and all information as described and agree to indemnify and hold ALEA and the ALEA RID harmless for any damages or injury which might result directly or indirectly from the release of same.

The foregoing authorization shall continue in full force and effect until revoked by me in writing. A photocopy of this authorization shall be considered the same as the original.

Full Name (First, Middle, Last, Suffix): \_\_\_\_\_

Applicant Current Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Alias or Nickname(s): \_\_\_\_\_ Sex/Gender:  Male  Female

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ (month/date/year)

Race:  White  Black  Asian  Indian  Other (please specify) \_\_\_\_\_

Current Driver's License Number: \_\_\_\_\_ Issuing State: \_\_\_\_\_

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Signature \_\_\_\_\_ My Commission Expires \_\_\_\_\_, 20\_\_\_\_\_.

# Section D

## Official Circuit Court Forms

- a. Petition for Expungement of Records**
- b. Model Order of Expungement**
- c. Model Amended Order of Expungement**
- d. Model Order to Produce Additional Information (on Order of Expungement)**
- e. Model Order on Petition for Expungement (Requesting Information)**

<b>State of Alabama</b> <b>Unified Judicial System</b>  <b>Form CR-65 4/2015</b>	<b>PETITION FOR EXPUNGEMENT OF RECORDS</b> (Section 15-27-1 et seq., Code of Alabama 1975)	<b>Case No.</b>  (Assigned by Clerk)
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**IN THE CIRCUIT COURT OF \_\_\_\_\_, ALABAMA**  
*(Name of County)*

[ ] **STATE OF ALABAMA**  
 [ ] **MUNICIPALITY OF \_\_\_\_\_ v. \_\_\_\_\_**  
*(Court of Jurisdiction of case to be expunged) (Defendant/Petitioner)*

**PETITIONER** \_\_\_\_\_  
*(Last Name) (First Name) (Middle Name)*

\_\_\_\_\_  
*(Address)*

\_\_\_\_\_  
*(Phone Number) (Email)*

\_\_\_\_\_  
*XXX - XX -*  
*(Social Security Number, Last four digits only)*

**CASE NUMBER TO BE EXPUNGED** \_\_\_\_\_

**CHARGE TO BE EXPUNGED** \_\_\_\_\_  
*(Only one offense per petition; Multi-count cases require multiple petitions)*

I, the above-named Defendant/Petitioner, was charged with the above-named offense which is:  
*(Check ONLY one (1) of the five (5) options listed below; If none apply, charge is not eligible for expungement)*

- [ ] a misdemeanor criminal offense,
- [ ] a violation,
- [ ] a traffic violation,
- [ ] a municipal ordinance violation,
- [ ] a non-violent felony,

I hereby file this Petition with the Circuit Court to expunge records relating to the above charge because:  
*(Check ONLY one (1) of the seven (7) options listed below; If none apply, charge is not eligible for expungement)*

- [ ] The charge was dismissed with prejudice.
- [ ] The charge was no billed by a grand jury.
- [ ] I was found not guilty of the charge.
- [ ] *(Non-felony only)* The charge was dismissed without prejudice more than two years ago, was not refiled, and I have not been convicted of any other felony or misdemeanor crime, any violation, or any traffic violation, excluding minor traffic violations, during the previous two years.
- [ ] *(Non-violent felony only)* The charge was dismissed after successful completion of a drug court program, mental health court program, diversion program, veteran's court, or any court-approved deferred prosecution program. More than one year has passed from the successful completion of the program.
- [ ] *(Non-violent felony only)* The charge was dismissed without prejudice more than five years ago, was not refiled, and I have not been convicted of any other felony or misdemeanor crime, any violation, or any traffic violation, excluding minor traffic violations, during the previous five years.
- [ ] *(Non-violent felony only)* Ninety days have passed from the date of dismissal with prejudice, no-bill, acquittal, or *nolle prosequi* and the charge has not been refiled.

**PETITION FOR EXPUNGEMENT OF  
RECORDS**

(Section 15-27-1 et seq., Code of Alabama 1975)

Case No.

Attached to this Petition is: *(Petition must include either item 1 or item 2; In either case, Petition must include item 3.)*

- (1) a certified record of arrest from the appropriate agency for the court record I seek to have expunged,  
 (2) a certified record of disposition, or a certified record of the case action summary from the appropriate court for the court record I seek to have expunged;  
 (3) a certified official criminal record obtained from the Alabama Law Enforcement Agency (ALEA),

I am providing the following additional information as required by Ala. Code 1975, § 15-27-1 et seq.:  
*(Petitioner must specify each of the following:)*

1. Criminal charge from the record to be considered:

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2. Grounds for, or reasons why you seek, expungement:

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3. The agency or department that made the arrest:

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4. Any agency or department where the Petitioner was booked or was incarcerated or detained pursuant to the arrest or charge sought to be expunged: *(If not booked, incarcerated or detained pursuant to arrest on the above-listed charge, that must be indicated here.)*

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Further, **I have satisfied and paid in full all terms and conditions**, including court ordered restitution, including interest, to any victim or the Alabama Crime Victims Compensation Commission, as well as court costs, fines, or statutory fees ordered by the sentencing court to have been paid, absent a finding of indigency by the court.

**FOR EXPUNGEMENT OF RECORDS**

(Section 15-27-1 et seq., Code of Alabama 1975)

Case No.

I swear or affirm, under the penalty of perjury:

- (1) that the allegations I have made in this Petition are true and correct;
- (2) that I have satisfied the requirements set out in Ala. Code 1975, § 15-27-1 et seq.
- (3) that I [ ] have not [ ] have previously applied for an expungement in any other jurisdiction, specifically

Case Number \_\_\_\_\_ in \_\_\_\_\_ COUNTY,  
and, if I have applied for an expungement in any other jurisdiction, the expungement  
was previously [ ] granted [ ] denied.

\_\_\_\_\_  
*Signature of Petitioner/Affiant*

[ ] *pro se (Not represented by an attorney)*

Personally appeared before the undersigned, an officer duly authorized to administer oaths,  
\_\_\_\_\_, Petitioner named in the foregoing Petition, who being duly sworn, states  
that the facts set forth in the foregoing Petition are true and correct to the best of their information and belief.

Sworn To And Subscribed Before Me This:

*Date* \_\_\_\_\_

\_\_\_\_\_  
*Person Authorized to Administer Oaths or Notary Public*

\_\_\_\_\_  
*Name of Attorney*

\_\_\_\_\_  
*Bar No.*

\_\_\_\_\_  
*Signature of Attorney*

\_\_\_\_\_  
*Business Address of Attorney*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip Code*

\_\_\_\_\_  
*Telephone*

\_\_\_\_\_  
*Email Address*

**PETITION FOR EXPUNGEMENT OF  
RECORDS  
(Certificate of Service)**

Case No.

(Section 15-27-1 et seq., Code of Alabama 1975)

I, \_\_\_\_\_, the Petitioner, certify that I have this date delivered a copy of the foregoing Petition For Expungement of Records to the following courts, agencies, or other entities pursuant to Ala. Code 1975, § 15-27-3(c):

District Attorney, Name: \_\_\_\_\_.

Address: \_\_\_\_\_ Phone: \_\_\_\_\_.

\_\_\_\_\_

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. METHOD OF SERVICE \_\_ Personal \_\_ Sheriff \_\_ Other \_\_\_\_\_

\_\_\_\_\_ Petitioner's/Server's Signature

Petitioner's/Server's Address: \_\_\_\_\_; Phone: \_\_\_\_\_

Law Enforcement Agency 1: \_\_ State Trooper; \_\_ Sheriff\_\_; Municipal Chief of Police; \_\_; Other \_\_\_\_\_

Name: \_\_\_\_\_;

Address: \_\_\_\_\_ Phone: \_\_\_\_\_.

\_\_\_\_\_

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. METHOD OF SERVICE \_\_ Personal \_\_ Sheriff \_\_ Other \_\_\_\_\_

\_\_\_\_\_ Petitioner's/Server's Signature

Petitioner's/Server's Address: \_\_\_\_\_; Phone: \_\_\_\_\_

Law Enforcement Agency 2: \_\_ State Trooper; \_\_ Sheriff\_\_; Municipal Chief of Police; \_\_; Other \_\_\_\_\_

Name: \_\_\_\_\_;

Address: \_\_\_\_\_ Phone: \_\_\_\_\_.

\_\_\_\_\_

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. METHOD OF SERVICE \_\_ Personal \_\_ Sheriff \_\_ Other \_\_\_\_\_

\_\_\_\_\_ Petitioner's/Server's Signature

Petitioner's/Server's Address: \_\_\_\_\_; Phone: \_\_\_\_\_

**PETITION FOR EXPUNGEMENT OF  
RECORDS  
(Certificate of Service)**

Case No.

(Section 15-27-1 et seq., Code of Alabama 1975)

Law Enforcement Agency 3:  State Trooper;  Sheriff ; Municipal Chief of Police; ; Other \_\_\_\_\_

Name: \_\_\_\_\_;

Address: \_\_\_\_\_ Phone: \_\_\_\_\_.

\_\_\_\_\_

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. METHOD OF SERVICE  Personal  Sheriff  Other \_\_\_\_\_

\_\_\_\_\_ Petitioner's/Server's Signature

Petitioner's/Server's Address: \_\_\_\_\_; Phone: \_\_\_\_\_

Clerk of the Circuit Court of the Jurisdiction where the Petition is filed:

Circuit Clerk, Name: \_\_\_\_\_;

Address: \_\_\_\_\_ Phone: \_\_\_\_\_.

\_\_\_\_\_

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. METHOD OF SERVICE  Personal  Sheriff  Other \_\_\_\_\_

\_\_\_\_\_ Petitioner's/Server's Signature

Petitioner's/Server's Address: \_\_\_\_\_; Phone: \_\_\_\_\_

(If applicable):

District Clerk /  Municipal Clerk, Name: \_\_\_\_\_;

Address: \_\_\_\_\_ Phone: \_\_\_\_\_.

\_\_\_\_\_

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. METHOD OF SERVICE  Personal  Sheriff  Other \_\_\_\_\_

\_\_\_\_\_ Petitioner's/Server's Signature

Petitioner's/Server's Address: \_\_\_\_\_; Phone: \_\_\_\_\_

**PETITION FOR EXPUNGEMENT OF  
RECORDS**

**(Instructions for Petitioner)**  
(Section 15-27-1 et seq., Code of Alabama 1975)

Case No.

**PAGE 1**

- The Petitioner must fully complete the entire title section (above the black line) of the Petition.
- The first line refers to the circuit court of the county in which the Petition is to be filed—the Petition must be filed in the county where the Petitioner was arrested or where the case was disposed. For example: A municipal case in Huntsville, AL would be properly filed in the Circuit Court of Madison County.
- The second line must match the title of the underlying case—the case the Petitioner is petitioning to have expunged.
- The “Petitioner” section must be completed in full with the Petitioner’s CURRENT contact information.
- The Petitioner must list the full case number of the underlying case—the case the Petitioner is petitioning to have expunged. There may be more than one charge on any given case number, but each petition must be limited to one charge. If the Petitioner seeks to have each charge expunged, the Petitioner must fill out a separate petition for each charge.
- The bottom half of the page asks two qualifying questions about the underlying case. Cases eligible for expungement satisfy one of the options completing the first statement AS WELL AS one of the options completing the second statement. Note that some of the options completing the second statement are limited to certain circumstances. The Petitioner must check one, and only one, option to complete each of the two statements.

**PAGE 2**

- The first paragraph on page 2 refers to attachments to the Petition. **Ala. Code § 15-27-3(b)** requires, as a minimum, that petitioners include BOTH a certified record relating to the charge from the local entity (either law enforcement or court) AND a certified criminal record from the state agency (the Alabama Law Enforcement Agency). Accordingly, this Petition will be processed even if only the minimum information required under the statute is supplied; HOWEVER, the expungement order may be impossible to fully carry out if the Court and the Alabama Law Enforcement Agency are not made aware of the location of ALL records relating to the underlying charge. It is, therefore, recommended that the Petitioner attach to the Petition certified copies of arrest, booking, or incarceration records from ALL law enforcement agencies (city, county, and state), and certified copies of case action summaries or dispositions from ALL court clerks (municipal, district, and circuit) who may hold records of any kind relating to the underlying case.

- The second paragraph on page 2 corresponds to a section of the statute which requires that petitioners specify the listed items. A response is required as to each point. If any of the items does not apply, the Petitioner must specify that it does not apply and, if possible, why it does not apply. The Petitioner must include an address for each agency, department, etc. listed. Additional pages may be attached if necessary.
- The final paragraph of page 2 relates to the disposition of the underlying case. Any and all conditions of the court of disposition must be satisfied in order for the charge to be eligible for expungement. This includes ANY and ALL fines fees or other payments to the court.

**PAGE 3**

- The final page is an averment under oath that the entire Petition is true and correct and that the Petitioner is eligible for expungement, and includes information from the Petitioner about other expungement petitions. Intentionally giving false information to the Court may carry penalties.
- All previous petitions for expungement must be disclosed. Additional pages may be attached, if necessary.
- The Petitioner must sign this document under oath and the signature must be verified by an official authorized to administer oaths or notary public.
- At the bottom of page 3 is a section for information about the Petitioner’s attorney and for the attorney’s signature. If the Petitioner IS represented by an attorney, the attorney must sign where indicated. If the Petitioner IS NOT represented by an attorney, “*pro se*” must be indicated under the Petitioner’s signature.

**PAGE 4**

- **Ala. Code § 15-27-3(c)** requires the Petitioner to serve the “district attorney, the law enforcement agency, and clerk of court of the jurisdiction for which the records are sought to be expunged.” The Petitioner is relied upon to provide the Court and ultimately the Alabama Law Enforcement Agency information necessary to contact every court, law enforcement agency or other entity in possession of records the Petitioner seeks to have expunged.
- The Petitioner must certify to the Court that each of the courts, agencies, or other entities holding records relating to the underlying case has been served. Page 4 is a form certification for the courts, agencies, or other entities served with this Petition and their addresses. Additional pages may be attached if necessary.
- NOTE: Any information (including mailing addresses) provided regarding courts, agencies, or other entities holding records relating to the underlying case will expedite the execution of an expungement order if one is entered.



**ORDER OF EXPUNGEMENT**

(Section 15-27-1 et.seq., Code of Alabama 1975)

Case No.

The Clerk is **DIRECTED** to provide a copy of the criminal history record and petition to expunge with this Order to the Alabama Law Enforcement Agency (ALEA) electronically or by U.S. Mail;

It is Further Ordered that all proceedings related to the above listed charges are **DEEMED NEVER TO HAVE OCCURRED.**

**VIOLATION OF THIS ORDER IS PUNISHABLE UNDER ALABAMA LAW.**

**“AN INDIVIDUAL WHO KNOWS AN EXPUNGEMENT ORDER WAS GRANTED PURSUANT TO THIS CHAPTER [§ 15-27] AND WHO INTENTIONALLY AND MALICIOUSLY DIVULGES, MAKES KNOWN, REVEALS, GIVES ACCESS TO, MAKES PUBLIC, USES, OR OTHERWISE DISCLOSES THE CONTENTS OF AN EXPUNGED FILE WITHOUT A COURT ORDER, OR PURSUANT TO A PROVISION OF THIS CHAPTER, SHALL BE GUILTY OF A CLASS B MISDEMEANOR.” Ala. Code § 15-27-16(a) (1975).**

<sup>1</sup>Including Alabama law enforcement records except privileged presentence or postsentence investigation reports produced by the Alabama Board of Pardons and Paroles and its officers, records, documents, databases, and files of the district attorney and the Office of Prosecution Services. Ala. Code § 15-27-6(a) (1975).

**OR:**

[  ] After reviewing the Petition for the Expungement of Records submitted by the Petitioner in this case, the Court makes the following findings of fact:

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This Court is NOT reasonably satisfied from the evidence that the Expungement Petition should be granted; therefore, it is **ORDERED** that **this petition for expungement is denied.**

Date the Petition is [  ] **GRANTED** or [  ] **DENIED** \_\_\_\_\_.

\_\_\_\_\_  
**CIRCUIT JUDGE**

<b>State Of Alabama Unified Judicial System</b>  <b>Form      Rev. 4/2015</b>	<b>AMENDED ORDER OF EXPUNGEMENT</b>  (Section 15-27-1 et.seq., Code of Alabama 1975)	<b>Case No.</b>
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**IN THE CIRCUIT COURT OF \_\_\_\_\_, ALABAMA**  
*(Name of County)*

[ ] **STATE OF ALABAMA**

[ ] **MUNICIPALITY OF \_\_\_\_\_**  
*(Court of Jurisdiction of case to be Expunged)*

**v.**

\_\_\_\_\_  
*(Defendant/Petitioner)*

\_\_\_\_\_  
*(Current Address)*

   XXX – XX – \_\_\_\_\_  
*(Social Security Number, Last 4 Digits only)*

\_\_\_\_\_  
*(Date of Birth)*

On \_\_\_\_\_, the Petitioner filed a Petition for Expungement of Records. The Court previously sent notice to the Petitioner that additional information was necessary in order to grant or properly execute the expungement. On \_\_\_\_\_ the Court entered an Order granting the Petitioner sixty (60) days to provide certain necessary, additional information to the Court.

[ ] Sixty days have passed and the attached documentation has been provided to the Court. Therefore, it is **ORDERED** that the court's Order dated \_\_\_\_\_ is hereby **AMENDED** and that the attached documents are hereby incorporated into the original order. All other terms and provisions of the previous order of expungement remain in full force and effect.

**OR**

[ ] The Court having previously put the Petitioner on notice that additional information was necessary to execute the previous order and the Petitioner having failed to provide such information and having failed to request an extension of time, it is **ORDERED** that the Court's previous order is **SET ASIDE** and the request for expungement is **DENIED**. The Clerk of this Court shall immediately submit a SHARK Ticket with the Court's Amended Order to the AOC and notify ALEA of the Court's finding. ALEA is **ORDERED** to return any records previously collected to the appropriate agency or court.

Date the Petition is [ ] GRANTED or [ ] DENIED \_\_\_\_\_.

\_\_\_\_\_  
**CIRCUIT JUDGE**

**ORDER TO PRODUCE ADDITIONAL  
INFORMATION  
ON ORDER OF EXPUNGEMENT  
(Section 15-27-1 et.seq., Code of Alabama 1975)**

Case No.

**IN THE CIRCUIT COURT OF \_\_\_\_\_, ALABAMA**  
(Name of County)

**STATE OF ALABAMA**

**MUNICIPALITY OF \_\_\_\_\_ v. \_\_\_\_\_**  
(Court of Jurisdiction of case to be Expunged) (Defendant/Petitioner)

On \_\_\_\_\_, the Petitioner filed a Petition for Expungement of Records. The Circuit Court later GRANTED the Petition and ORDERED the Expungement of the Petitioner's Record as to the Charge referenced by the Petition. Subsequent to the Order, it has been brought to the Court's attention by the Alabama Law Enforcement Agency (ALEA) that certain additional information is necessary to ensure full and proper execution of this Court's Order:

- A Certified Criminal History Record obtained from ALEA.
- A fully completed Petition to Expunge.
- The name of the person requesting the expungement of charge(s) from their record.
- The current address of the person requesting the expungement of charge(s) from their record.
- The date of birth of the person requesting the expungement of charge(s) from their record.
- The social security number (last four digits only) of the person requesting the expungement of charge(s) from their records.
- The Charge to be expunged.
- The date of arrest for the Charge to be expunged.
- The name and address of the agency or department that made the arrest.
- The Court where the Charge was disposed.
- Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Petitioner is granted sixty (60) days from the date of this Order in which to correct each of the errors or omissions specified above. After sixty (60) days, the Court will reconsider the case file and issue an Amended Order. If the errors or omissions have not been corrected, the Court's prior Order will be VACATED.

The Clerk is directed to provide a copy of this Order to the Petitioner's attorney or to the Petitioner at the address on record if the Petition is filed pro se.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**CIRCUIT JUDGE**

**ORDER**  
**ON PETITION FOR EXPUNGEMENT**  
(Section 15-27-1 et.seq., Code of Alabama 1975)

IN THE CIRCUIT COURT OF \_\_\_\_\_, ALABAMA

(Name of County)

STATE OF ALABAMA

MUNICIPALITY OF \_\_\_\_\_ v. \_\_\_\_\_

(Court of Jurisdiction of case to be Expunged)

(Defendant/Petitioner)

On \_\_\_\_\_, the Petitioner filed a Petition for Expungement of Records. The Defendant/Petitioner's filing cannot be ruled upon because the Petition does not satisfy the following requirements of Ala. Code § 15-27-1, et seq. (1975):

- Does not include a sworn statement that the Petitioner has satisfied all requirements set out under Ala. Code § 15-27-1, et seq. (1975).
- Does not include a sworn statement declaring whether the Petitioner has previously applied for an expungement in any jurisdiction and whether an expungement has been previously granted or denied.
- Does not specify the grounds or reasons why the Petitioner is seeking the expungement.
- Does not specify the charge to be expunged.
- Does not specify the name and address of the agency or department that made the arrest.
- Does not specify the name and address of any agency or department where the Petitioner was booked/incarcerated/detained.
- Does not include a certified record of arrest from the appropriate agency.
- Does not include a certified record of disposition or case action summary from the appropriate court.
- Does not include a certified official criminal record or history from the Alabama Law Enforcement Agency (ALEA).
- Does not certify that the Petition and required supporting documents have been served on the required parties. (The District Attorney, the relevant law enforcement agency, and/or the Circuit Court)
- Does not include proof that all terms and conditions imposed by the sentencing court have been satisfied and that all restitution, including interest, court costs, fines and statutory fees ordered by the sentencing court, have been paid in full. Ala. Code § 15-27-12 (1975).
- The Petitioner has not paid the \$300.00 Administrative Filing Fee pursuant to Ala. Code § 15-27-4 (1975). The Petitioner may file an Affidavit of Substantial Hardship and Order. If the Court finds the Petitioner is indigent, the Court may set forth a payment plan; however, the Court may not issue any Order granting expungement until the full \$300.00 Administrative Filing Fee has been paid.
- The Petitioner has not paid the docket fee (\$\_\_\_\_\_) for filing the Petition or obtained a waiver of payment by completing under oath and filing an Affidavit of Substantial Hardship.
- Other: \_\_\_\_\_

The Petitioner is granted sixty (60) days from the date of this Order in which to correct each of the errors or omissions specified above. After sixty (60) days, the Court will reconsider the Petition. If the errors or omissions have not been corrected, the Petition will be dismissed without further notice.

The Clerk is directed to provide a copy of this Order to the Petitioner's attorney or to the Petitioner at the address on record if the Petition is filed *pro se*.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**CIRCUIT JUDGE**

# Section E

## Alabama Expungement Law

## Alabama Expungement Law (§§15-27-1 -19, Code of Alabama)

### Section 15-27-1

Petition to expunge records - Misdemeanor criminal offense, traffic violation, municipal ordinance violation.

(a) A person who has been charged with a misdemeanor criminal offense, a violation, a traffic violation, or a municipal ordinance violation may file a petition in the criminal division of the circuit court in the county in which the charges were filed, to expunge records relating to the charge in any of the following circumstances:

- (1) When the charge is dismissed with prejudice.
  - (2) When the charge has been no billed by a grand jury.
  - (3) When the person has been found not guilty of the charge.
  - (4) When the charge was dismissed without prejudice more than two years ago, has not been refiled, and the person has not been convicted of any other felony or misdemeanor crime, any violation, or any traffic violation, excluding minor traffic violations, during the previous two years.
- (b) The circuit court shall have exclusive jurisdiction of a petition filed under subsection (a).

### Section 15-27-2

Petition to expunge records - Felony offense.

(a) A person who has been charged with a felony offense, except a violent offense as defined in Section 12-25-32(14), may file a petition in the criminal division of the circuit court in the county in which the charges were filed, to expunge records relating to the charge in any of the following circumstances:

- (1) When the charge is dismissed with prejudice.
  - (2) When the charge has been no billed by a grand jury.
  - (3) When the person has been found not guilty of the charge.
  - (4)a. The charge was dismissed after successful completion of a drug court program, mental health court program, diversion program, veteran's court, or any court-approved deferred prosecution program after one year from successful completion of the program.
  - b. Expungement may be a court-ordered condition of a program listed in paragraph a.
  - (5) The charge was dismissed without prejudice more than five years ago, has not been refiled, and the person has not been convicted of any other felony or misdemeanor crime, any violation, or any traffic violation, excluding minor traffic violations, during the previous five years.
  - (6) Ninety days have passed from the date of dismissal with prejudice, no-bill, acquittal, or nolle prosequi and the charge has not been refiled.
- (b) The circuit court shall have exclusive jurisdiction of a petition filed under subsection (a).

### Section 15-27-3

#### Submission of sworn statement and records; service.

(a) A petition filed under this chapter shall include a sworn statement made by the person seeking expungement under the penalty of perjury stating that the person has satisfied the requirements set out in this chapter and whether he or she has previously applied for an expungement in any jurisdiction and whether an expungement has been previously granted.

(b) The petitioner shall include a certified record of arrest, disposition, or the case action summary from the appropriate agency for the court record the petitioner seeks to have expunged as well as a certified official criminal record obtained from the Alabama Criminal Justice Information Center. In addition to setting forth grounds for the court to consider, the petitioner shall specify what criminal charges from the record are to be considered, further specify the agency or department that made the arrest and any agency or department where the petitioner was booked or was incarcerated or detained pursuant to the arrest or charge sought to be expunged.

(c) A petitioner shall serve the district attorney, the law enforcement agency, and clerk of court of the jurisdiction for which the records are sought to be expunged, a copy of the petition, and the sworn affidavit. The district attorney shall review the petition and may make reasonable efforts to notify the victim if the petition has been filed seeking an expungement under circumstances enumerated in paragraph a. of subdivision (4) of Section 15-27-2 involving a victim that is not a governmental entity. The district attorney and the victim shall have a period of 45 days to file a written objection to the granting of the petition or the district attorney shall be deemed to have waived the right to object. The district attorney shall serve the petitioner or the petitioner's counsel a copy of the written objection.

### Section 15-27-4

#### Administrative filing fee; indigency.

(a) In addition to any cost of court or docket fee for filing the petition in circuit court, an administrative filing fee of three hundred dollars (\$300) shall be paid at the time the petition is filed and is a condition precedent to any ruling of the court pursuant to this chapter. The administrative filing fee shall not be waived by the court and shall be distributed as follows:

(1) Seventy-five dollars (\$75) to the State Judicial Administrative Fund.

(2) Twenty-five dollars (\$25) to the Alabama Department of Forensic Sciences.

(3) Fifty dollars (\$50) to the district attorney's office.

(4) Fifty dollars (\$50) to the clerk's office of the circuit court having jurisdiction over the matter, for the use and benefit of the circuit court clerk.

(5) Fifty dollars (\$50) to the Public Safety Fund.

(6) Fifty dollars (\$50) to the general fund of the county where the arresting law enforcement agency is located if the arrest was made by the sheriff's office to be used for law enforcement purposes, or, if the arrest was made by another law enforcement agency, to the municipality or other entity or state agency funding the law enforcement activity.

(b) Notwithstanding subsection (a), a person seeking relief under this chapter may apply for indigent status by completing an Affidavit of Substantial Hardship and Order which shall be submitted with the petition. If the court finds the petitioner is indigent, the court may set forth a payment plan for the petitioner to satisfy the filing fee over a period of time, which shall be paid in full, prior to any order granting an expungement.

(c) If a petitioner seeks expungement of an arrest record and the court in the original case made a clear and unequivocal judicial finding on the record that the arrest had no foundation of probable cause, the court, in the expungement proceeding, shall waive all docket fees and court costs, except for the filing fee in subsection (a).

### Section 15-27-5

#### Objections; hearing; ruling.

(a) If the prosecuting authority or victim files an objection to the granting of a petition under this chapter, the court having jurisdiction over the matter shall set a date for a hearing no sooner than 14 days from the filing of the objection. The court shall notify the prosecuting authority and the petitioner of the hearing date. In the discretion of the court, the court shall consider the following factors:

- (1) Nature and seriousness of the offense committed.
- (2) Circumstances under which the offense occurred.
- (3) Date of the offense.
- (4) Age of the person when the offense was committed.
- (5) Whether the offense was an isolated or repeated incident.
- (6) Other conditions which may have contributed to the offense.
- (7) An available probation or parole record, report, or recommendation.
- (8) Whether the offense was dismissed or nolle prossed as part of a negotiated plea agreement and the petitioner plead guilty to another related or lesser offense.
- (9) Evidence of rehabilitation, including good conduct in prison or jail, in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful business or employment history, and the recommendation of his or her supervisors or other persons in the community.
- (10) Any other matter the court deems relevant, which may include, but is not limited to, a prior expungement of the petitioner's records.

(b) A hearing under subsection (a) shall be conducted in a manner prescribed by the trial judge and shall include oral argument and review of relevant documentation in support of, or in objection to, the granting of the petition. The Alabama Rules of Evidence shall apply to the hearing. Leave of the court shall be obtained for the taking of witness testimony relating to any disputed fact.

(c) There is no right to the expungement of any criminal record, and any request for expungement of a criminal record may be denied at the sole discretion of the court. The court shall grant the petition if it is reasonably satisfied from the evidence that the petitioner has complied with and satisfied the requirements of this chapter. The court shall have discretion over the number of cases that may be expunged pursuant to this chapter after the first case is expunged. The ruling of the court shall be subject to certiorari review and shall not be reversed absent a showing of an abuse of discretion.

(d) If no objection to a petition is filed by the prosecuting authority or victim, the court having jurisdiction over the matter may rule on the merits of the petition without setting the matter for hearing. In such cases, the court shall grant the petition if it is reasonably satisfied from the evidence that the petitioner has complied with and satisfied the requirements of this chapter. The court shall have discretion over the number of cases that may be expunged pursuant to this chapter after the first case is expunged.

### Section 15-27-6

#### Order of expungement; certification; inspection of expunged records.

(a) Except as provided in Section 15-27-10, upon the granting of a petition pursuant to this chapter, the court, pursuant to Section 15-27-9, shall order the expungement of all records in the custody of the court and any records in the custody of any other agency or official, including law enforcement records, except privileged presentence or postsentence investigation reports produced by the Alabama Board of Pardons and Paroles and its officers, records, documents, databases, and files of the district attorney and the Office of Prosecution Services. On July 7, 2014, and for 18 months thereafter, every agency with records relating to the arrest, charge, or other matters arising out of the arrest or charge that is ordered to expunge the records shall certify to the court within 180 days of the entry of the expungement order that the required expungement action has been completed.

(b) After the expungement of records pursuant to subsection (a), the proceedings regarding the charge shall be deemed never to have occurred. Except as provided in this chapter, the court and other agencies shall reply to any inquiry that no record exists on the matter. The petitioner whose record was expunged shall not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit, or other type of application. However, the petitioner whose record was expunged shall have the duty to disclose the fact of the record and any matter relating thereto to any government regulatory or licensing agency, any utility and its agents and affiliates, or any bank or other financial institution. In these circumstances, the government regulatory or licensing agency, utility and its agents and affiliates, or the bank or other financial institution shall have the right to inspect the expunged records after filing notice with the court.

### Section 15-27-7

#### Archive of records; withdrawal of records from national criminal records repository.

(a) Upon receipt of the order of expungement, a criminal justice agency in possession of records subject to the order shall immediately forward the records to the Alabama Criminal Justice Information Center. The center shall digitally archive the records in a manner prescribed by the Alabama Criminal Justice Information Center Commission and designate the records as

protected notwithstanding any other provisions of this chapter. Such records may not be used for any non-criminal justice purpose and may only be made available to criminal justice agencies upon acknowledgement of an investigation or other criminal matter involving the person related to the expungement. Any expunged records that were added to a federal database shall be requested to be removed and not made available within any interstate criminal database.

(b) Records expunged under this chapter may not be transmitted to the Federal Bureau of Investigation national criminal records repository. Any record subject to be expunged under this chapter and transmitted to the Federal Bureau of Investigation prior to the expungement of such record shall be requested for withdrawal within the national system by the Alabama Criminal Justice Information Center.

### Section 15-27-8

*Records forwarded to and retained by Alabama Criminal Justice Information Center.*

Once the records are expunged pursuant to this chapter, the records shall be forwarded to the Alabama Criminal Justice Information Center in a manner prescribed by the Alabama Criminal Justice Information Center Commission for purposes of archiving, and the records shall be stored in a manner prescribed by the Alabama Criminal Justice Information Center Commission. The records shall be retained by the Alabama Criminal Justice Information Center indefinitely.

### Section 15-27-9

*Records.*

For purposes of this chapter, the term record includes, but is not limited to, all of the following:

- (1) Arrest records.
- (2) Booking or arrest photographs of the petitioner.
- (3) Index references such as the State Judicial Information System or any other governmental index references for public records search.
- (4) Other data, whether in documentary or electronic form, relating to the arrest or charge.

### Section 15-27-10

*Maintenance of files, reports, etc., by law enforcement agencies, officials, etc.*

Nothing in this chapter shall prohibit a law enforcement agency or official, district attorney or a prosecuting authority, the Alabama Department of Forensic Sciences, or the Department of Human Resources from maintaining an investigative file, report, case file, or log which may include any evidence, biological evidence, photographs, exhibits, or information in documentary or electronic form.

### Section 15-27-11

*Personal information subject to expungement.*

An order of expungement, pursuant to this chapter may include, but is not limited to, the petitioner's true name, all aliases, current physical address, date of birth, Social Security number, or any other vital identifier sufficient to notify the record keeper of the records to be expunged.

### Section 15-27-12

#### Prerequisites to expungement.

No order of expungement shall be granted unless all terms and conditions, including court ordered restitution, are satisfied and paid in full, including interest, to any victim, or the Alabama Crime Victim's Compensation Commission, as well as court costs, fines, or statutory fees ordered by the sentencing court to have been paid, absent a finding of indigency by the court.

### Section 15-27-13

#### Annual report.

Upon request, the Administrative Office of Courts shall provide an annual report to the Legislature specifying the number of applicants requesting expungement, the number of expungements granted, a list of the offenses expunged, and a list of the offenses not expunged. The report shall not include any case specific identifying information.

### Section 15-27-14

#### Applicability - Alabama Securities Commission.

Nothing in this chapter shall be applicable to the Alabama Securities Commission, its statutes, rules, regulations, policies, information repository, or records, nor shall any expungement information, record, document, whether printed, electronic, or otherwise, or file which is expunged under this chapter be considered nondisclosable or nonreportable to or by the Alabama Securities Commission. Any requirement for licensing or registration which includes information that has been otherwise expunged under this chapter shall remain reportable as required by the Alabama Securities Commission, applicable federal law, or adopted rules and regulations or as required by any securities-related self-regulatory organization rules, policies, or procedures.

### Section 15-27-15

#### Applicability - Right to ship, transport, possess, or receive firearm.

An expungement order shall not entitle an individual to ship, transport, possess, or receive a firearm. Any person whose record of conviction is expunged pursuant to this chapter may have his or her right to ship, transport, possess, or receive a firearm restored by a Certificate of Pardon with Restoration of Civil and Political Rights from the Alabama Board of Pardons and Paroles.

### Section 15-27-16

#### Disclosure of information from expunged file without a court order; liability.

(a) Notwithstanding any other provision of this chapter, an individual who knows an expungement order was granted pursuant to this chapter and who intentionally and maliciously divulges, makes known, reveals, gives access to, makes public, uses, or otherwise discloses the contents of an expunged file without a court order, or pursuant to a provision of this chapter, shall be guilty of a Class B misdemeanor.

(b) In addition to any other immunity or other civil protection or legal remedy available that an individual or entity may rightfully claim, an agency, department, custodian of records, corporation, business entity, or individual that makes public or disseminates a record that has

been judicially expunged pursuant to this chapter shall be immune from civil liability absent unreasonable, wanton, willful, or intentional conduct.

(c) In addition to any other immunity or other civil protection or legal remedy available that an individual or entity may rightfully claim, an agency, department, custodian of records, corporation, business entity, or individual that employs, hires, contracts with, or holds any business or contractual relationship with an individual and is unaware of the existence of a criminal record due to an expungement pursuant to this chapter shall be immune from civil liability for damages caused by the person, absent unreasonable, wanton, willful, or intentional conduct.

#### Section 15-27-17

Filing under false pretenses.

Upon determination by the court that a petition for expungement was filed under false pretenses and was granted, the order of expungement shall be reversed and the criminal history record shall be restored to reflect the original charges.

#### Section 15-27-18

Applicants for position in law enforcement, etc.

Notwithstanding any other provision of this chapter, an applicant for a position in law enforcement or corrections or a law enforcement or correctional officer shall disclose and produce any expunged record pursuant to this chapter or any other state law to the Alabama Peace Officers' Standards and Training Commission, and the commission shall have access to any expunged records sealed or archived pursuant to this chapter for purposes of certification and regulation of persons as correctional and law enforcement officers.

#### Section 15-27-19

Adoption of rules.

The Alabama Criminal Justice Information Center Commission shall adopt rules for the submission of data from criminal justice agencies necessary to complete the criminal history record within the state criminal history repository. Data within the repository shall include all records allowed by federal regulation of state repositories.