

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

STATE OF KANSAS

Plaintiff

v.

Case No. _____

Defendant

ORDER FOR EXPUNGEMENT OF ARREST
AND CONVICTION OR DIVERSION

Pursuant to K.S.A. 2019 Supp. 21-6614

On this this _____ day of _____, 20____, the Court considers the Petition for Expungement filed herein. The State appears by _____, County Attorney. The defendant appears Pro Se.

The Court finds jurisdiction and venue are proper. Notice to parties and those required to receive notice (victim and law enforcement) has been given as required by law.

The Court, upon agreement of the parties, having received the evidence, and/or having heard statements of counsel having reviewed the file, finds as follows:

1. The full name of the Defendant is: _____.
2. The full name of the Defendant at the time of his/her arrest, if different than #1, was _____.
3. The Defendant is a ____ [Race] ____ [Sex] DOB _____ [mm/dd/yyyy].
4. The Defendant was arrested in Saline County, Kansas on _____ by _____ [Law Enforcement Agency] for the crime(s) of _____.
5. The Defendant was convicted of _____ on _____ [Date].

OR

The Defendant was granted a diversion for the crimes of _____
_____ on _____ [Date].

6. The convicting Court or diverting authority was _____.
7. The date of final discharge was _____.
8. More than ____ three ____ five ____ ten years (check appropriate box)
have elapsed since the defendant fulfilled the terms of a diversion
agreement, satisfied the sentence imposed, or was discharged from
probation, a community correctional services program, parole, post-release
supervision, conditional release, or a suspended sentence.
9. The Defendant 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 Defendant.
10. The conviction for which expungement is being sought is not one of the
offenses set out in K.S.A. 21-6614 (e), for which no expungement is
permitted.
11. The Defendant's current circumstances and behavior warrant this
expungement and this expungement is consistent with public welfare.
12. The Defendant is not currently required to register as an offender as
provided in the Kansas Offender Registration Act.

IT IS FURTHER ORDERED, the Defendant shall be treated as not having
been arrested and convicted or diverted except upon conviction of a subsequent
crime, the conviction that was expunged may be considered as a prior conviction in
determining the sentence to impose; and that the defendant shall disclose the
arrest, conviction or diversion herein expunged as follows:

1. In any application for licensure as a private detective, private detective
agency, certification as a firearms trainer pursuant to K.S.A. 2019 Supp.
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 Kansas Department for Aging and Disability Services.

2. In any application for admission, or for an order of reinstatement, to practice of law in this state.
3. 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.
4. 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.
5. 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.
6. Upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142 and amendments thereto.
7. To aid in determining the petitioner's qualifications to be an employee of the state gaming agency.
8. 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.
9. In any application for registration as a broker-dealer, agent, investment advisor or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto.

10. In any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto.
11. To aid in determining the defendant's qualifications for a license to carry a concealed weapon pursuant to the Personal and Family Protection Act, K.S.A. 2019 Supp. 75-7c01 et seq., and amendments thereto.
12. To aid in determining the petitioner's qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 2019 Supp. 75-7e01 through 75-7e09 and K.S.A. 2019 Supp. 50-6,141, and amendments thereto.
13. In the following circumstances as deemed appropriate by the Court:

14. The conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged and upon commitment to the custody of the Secretary of Corrections, any previously expunged record in the possession of the Secretary of Corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

IT IS THEREFORE ORDERED that Defendant's record for arrest and conviction or diversion herein shall be expunged. Subject to the disclosures required above, in any application for employment, license, or other civil right or privilege, or any other appearance such as a witness, the Defendant may state that he/she has never been convicted or diverted of such crime(s). The expungement of a felony conviction does not relieve an individual of complying with any state or federal law related to the use or possession of firearms by persons convicted of a felony. The Clerk of the District 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 described herein.

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

Judge of the District Court

Submitted by:

Defendant, Pro Se

Print Name: _____

Address 1: _____

Address 2: _____

City, State, Zip: _____

Telephone Number: _____

Email Address: _____

Approved by:

Saline County Attorney

300 W. Ash, Rm 302

Salina, KS 67401

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