

Petition to Seal (Expungement) Fact Sheet

Introduction

In some cases, you can ask the court to seal your criminal records. This used to be called expungement. It is now called Petition and Order to Seal. Your criminal records will not be physically destroyed, but they will be sealed and treated as confidential.

What Records Can Be Sealed?

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

After you have finished your sentence, you have to wait 5 years to seal your record for:

- eligible violent Class C and Class D Felonies
- negligent homicide (if it was a Class A misdemeanor)
- driving while intoxicated
- battery in the third degree
- indecent exposure
- public sexual indecency
- sexual assault in the fourth degree
- domestic battering in the third degree

Other Misdemeanors and Felonies may be sealed immediately.

What Records Cannot Be Sealed?

The following records cannot be sealed:

- a sexual offense in which the victim was under the age of 18 years
- a felony in which you spent any time in the Arkansas Department of Corrections
- a Class Y felony
- a Class A or B felony that was not a drug offense
- manslaughter
- an unclassified felony with a maximum sentence that was more than 10 years
- violent felonies that fall under [A.C.A. § 5-4-501](#)

Benefits of Sealing Your Records

When your criminal records are sealed, you may have an easier time finding employment and housing. When you interview for a job or housing, you can legally state that you have not been convicted or arrested of a crime.

Sealing Your Criminal Records Cannot:

- restore your gun rights if you are sealing a felony conviction (unless you were sentenced under a deferred sentence statute)
- allow you to have guardianship over another person (unless you were sentenced under a deferred sentence statute)
- prevent your record from being used against you in a trial, by the police, or by the prosecutor if you are arrested or go to court
- block access by employers in law enforcement, day care, nursing homes, and teaching

Who Can See Your Sealed Records?

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

If your criminal records appear in a background check after they have been sealed, you have a right to ask for the background check company's information and give them the Order to Seal. The company will have to correct their records. (Background check companies are still governed by the Fair Credit Reporting Act.) When certain employers (like teachers, day care workers, nursing homes, and law enforcement agencies), do a background check, all convictions show up. This means that they can see any sealed criminal records.

For more information, visit [acic.org](#).

This fact sheet is a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal assistance to eligible Arkansans who meet income, asset, and other guidelines. Legal assistance may also include advice and counsel, brief services, or full representation depending on the situation. For more information about civil legal aid in Arkansas, please visit [arlegalservices.org](#). For information specific to Legal Aid of Arkansas, Inc., visit [arlegalaid.org](#). Apply for services online or by calling 1-800-9-LAW-AID (1-800-952-9243).

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

**Content provided by:
Legal Aid of Arkansas, Inc.**

Updated June 2019

Petition to Seal (Expungement) Instructions

Before You Start

You will need your Judgment and Commitment Order. This legal document gives information about the sentence that you received from the court. If you do not have this document, you can get it by visiting the clerk's office at the court where you were sentenced and ask for copies. You may be charged a small fee (generally \$5) to get copies.

It also helps to ask for a background or ACIC check. If you do this, you will have detailed information for what is on your criminal record.

The background check will also have:

- your arrest tracking number
- the date of your arrest
- the SID number
- the FBI number

Your arrest tracking number is very important. You need your arrest tracking number to make sure that your Order to Seal is entered correctly in ACIC. ACIC is the Arkansas Crime Information Center. It is the state agency that gives information and technology help to police and other criminal justice agencies in Arkansas.

Getting a background check also makes the process of sealing your criminal records easier, because you will have the information that you need to give to the court and the prosecuting attorney. This information is easy to get from the ACIC Website: acic.org. Print the form to request your criminal background from ACIC.

Most prosecutors require proof that you have completed the terms of your sentence. You can get proof that you paid your fines from the sheriff's department. You can get proof that you have finished the terms of your probation from the probation office.

Step 1

File a uniform Petition to Seal in the Circuit or District Court where you were sentenced. These forms are at the forms tab at acic.org. Use the form that fits your case and prepare the petition and order. Only file the petition.

There is no filing fee as of July 2019 under [Act 680](#).

Step 2

You must give a copy of the legal forms that you filed to the prosecuting attorney and arresting agency.

After You File

For misdemeanors, anyone who does not want your record to be sealed has to file a notice of opposition and give the reasons that they are opposing within 30 days. If no one disagrees with your attempt to seal your criminal records, then the court may grant your petition. If some-one is against your attempt to seal your criminal records, then the court will set a hearing.

For felonies, the court must wait 90 days before a judge can sign off on an order to seal. However, if the prosecutor gives the court a letter of no objection, then you can have your order to seal signed at any time.

If your Petition to Seal is granted, the uniform Order to Seal should be filed with the Circuit Clerk. The clerk will send copies to the prosecutor, arresting agency, ACIC, and Administrative Office of the Courts. The Circuit Clerk will put all legal documents of your case in a separate and private area within the clerk's office.

This fact sheet is a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal assistance to eligible Arkansans who meet income, asset, and other guidelines. Legal assistance may also include advice and counsel, brief services, or full representation depending on the situation. For more information about civil legal aid in Arkansas, please visit arlegalservices.org. For information specific to Legal Aid of Arkansas, Inc., visit arlegalaid.org. Apply for services online or by calling 1-800-9-LAW-AID (1-800-952-9243).

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

**Content provided by:
Legal Aid of Arkansas, Inc.**

Updated June 2019