

Table 1. Judicial Expungement, Sealing, and Set-aside in Five States

State	All or most offenses	First offenders	Probationary sentences (including deferred adjudication)	Misdemeanors only	Pardoned offenses	Non-conviction records
<b>Alaska</b>			Court may suspend imposition of sentence and “set aside” conviction after successful completion of probation for certain offenses (Alaska Stat. § 12.55.085), but no expungement. No predicate, but limited use for enhancement of sentence.			
<b>Illinois</b>	Courts authorized to remove employment and licensing bars through certificate of good conduct. 730 Ill. Comp. Stat. Ann. 5/5-5.5-55. In addition, consideration of conviction limited for certain licenses where court issues certificate of relief from disabilities. <i>Id.</i> at 5/5-5-5.		Deferred adjudication for first-time non-violent offenders may be expunged five years after successful completion of probation. Predicate offense if within five years. 20 Ill. Comp. Stat. Ann. 2630/5.2; 720 Ill. Comp. Stat. Ann. 570/410, 550/10, 5/5-6-3.4.	Sealing for misdemeanors and two minor felonies only (marijuana and prostitution). 20 Ill. Comp. Stat. Ann. 2630/5.2(c).	Pardon may provide for expungement, which results in destruction of record. 20 Ill. Comp. Stat. Ann. 2630/5.2(e); 2630/5.2(a)(1)(E).	Arrests that resulted in acquittal or dismissal may be expunged. 20 Ill. Comp. Stat. Ann. 2630/5.2(b). Effect of expungement is destruction of record. § 2630/5.2(a)(1)(E).
<b>New Mexico</b>		Expungement available for first offender drug possession if 18 or under at time of offense. N.M. Stat. Ann. § 30-31-28(D).	Deferred sentencing available except in first degree felony cases; rights restored but conviction remains. No expungement, and conviction has predicate effect. Does not qualify as “set-aside” for purposes of avoiding federal firearms restrictions. N.M. Stat. Ann. § 31-20-3.			Arrest information may be expunged completely (including law enforcement) if for misdemeanor (excluding moral turpitude offense) and no records of final outcome can be found. N.M. Stat. Ann. § 29-3-8.1.
<b>Oregon</b>	Less serious non-violent offenses may be “set aside” after waiting period of 1 to 20 years, no other conviction in past 10 years (or ever, if setting aside Class B felony), or arrest within 3 yrs. Order must issue unless court finds it would not be “in the best interests of justice.” May deny conviction, but counts as predicate. Or. Rev. Stat. § 137.225.					One year from the date of any arrest, if no accusatory instrument was filed, or at any time after an acquittal or a dismissal of the charge, the arrested person may apply to the court for entry of an order setting aside the record of such arrest. Or. Rev. Stat. § 137.225(1)(b).
<b>Washington</b>	All but most serious offenses may be “vacated” after waiting period of 5 to 10 yrs; conviction erased, limited predicate effect. Wash. Rev. Code § 9.94A.640. “Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed.” <i>Id.</i>		After conviction of “any crime,” court may suspend or defer sentence, and place defendant on probation; may petition to have record vacated and sealed after probation expired. § 9.94A.640. Wash. Rev. Code §§ 3.66.067, 9.95.200.	Most misdemeanors eligible to be vacated after 3-5 yr waiting period. Wash. Rev. Code § 9.96.060.	Pardon vacates conviction automatically, and seals record. Wash. Rev. Code § 9.94A.030 (1)(b).	Non-conviction records in criminal justice agency files may be sealed administratively two years after disposition favorable to defendant. Wash. Rev. Code § 10.97.060.

Note: Juvenile adjudications included in source are excluded from this excerpt.

**Source of data:** “Chart #4 — Judicial Expungement, Sealing, and Set-Aside,” Margaret Colgate Love, NACDL Restoration of Rights Project, (Feb 2015), ([http://www.nacdl.org/uploadedFiles/files/resource\\_center/2012\\_restoration\\_project/Judicial\\_Expungement\\_Sealing\\_and\\_Set-Aside.pdf](http://www.nacdl.org/uploadedFiles/files/resource_center/2012_restoration_project/Judicial_Expungement_Sealing_and_Set-Aside.pdf)) and Alaska Court System