

# **Waiting for Relief:** **A National Survey of Waiting Periods** **for Record Clearing**

**By Margaret Love & David Schlusel**

**February 2022**



## COLLATERAL CONSEQUENCES RESOURCE CENTER

The Collateral Consequences Resource Center (CCRC) is a non-profit organization established in 2014 to promote public engagement on the myriad issues raised by the collateral consequences of arrest or conviction. Collateral consequences are the legal restrictions and societal stigma that burden people with a criminal record long after their criminal case is closed. The Center provides news and commentary about this dynamic area of the law, and a variety of research and practice materials aimed at legal and policy advocates, courts, scholars, lawmakers, and those most directly affected by criminal justice involvement.

Through our flagship resource, the [Restoration of Rights Project](#) (RRP), we describe and analyze the various laws and practices relating to restoration of rights and criminal record relief in each U.S. jurisdiction. In addition to these state-by-state profiles, a series of 50-state comparison charts and periodic reports on new enactments make it possible to see national patterns and emerging trends in formal efforts to mitigate the adverse impact of a criminal record. We develop and advocate for policy reforms, provide technical support to those working to expand restoration mechanisms, participate in court cases challenging specific collateral consequences, and engage with social media and journalists on these issues. For more information, visit the CCRC website at <http://ccresourcecenter.org>.

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## **A National Survey of Waiting Periods for Record Clearing**

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### **Table of Contents**

<b>Introduction and Overview</b>	<b>1</b>
<b>50-State Table #1: Misdemeanor Convictions</b>	<b>4</b>
<b>50-State Table #2: Felony Convictions</b>	<b>5</b>
<b>50-State Maps</b>	<b>6</b>
<b>Appendix</b>	<b>7</b>

## Introduction and Overview

- **Background:** This report is the first-ever comprehensive national survey of the period of time a person, who is otherwise eligible to expunge or seal a misdemeanor or felony conviction record, must wait before obtaining this relief. Waiting periods are usually established by statute and can range from 0 to 20 years, a period that typically (though by no means invariably) commences after completion of the court-imposed sentence. Also typically, during a waiting period the person must be free from certain forms of involvement with the justice system: from a felony conviction, from any conviction, or from any arrest, again depending on state law. These and other conditions and circumstances may extend (or occasionally shorten) the length of a waiting period in specific cases.
- **Contents of the Report:** Following this introduction, the report consists of two 50-state Tables, one showing the waiting periods applicable to clearing of misdemeanors, and the other showing the waiting periods applicable to clearing of felonies, with states that have no general record clearing listed at the bottom of each table. The Tables are followed by maps showing the geographical distribution of waiting periods for each type of conviction. The maps are followed by an appendix describing in greater detail the laws governing waiting periods in each of the jurisdictions studied.
- **Summary of 50-state research results:**
  - The waiting periods for misdemeanor convictions range from a high of 10 or 15 years in Maryland (depending on the nature of the offense) to 0 years in Mississippi (although only first-time offenses are eligible), with most states falling at the lower end of that range. Of the 44 states that authorize clearing of misdemeanor convictions, a near-majority have waiting periods of 3 years or less (19 states) and the vast majority have waiting periods of 5 years or less (35 states).
  - The waiting periods for felony convictions range from as high as 10 or 20 years in North Carolina to as low as 0-2 years in California, with most states falling at the lower end of that range. Of the 35 states that authorize clearing of felony convictions, a near-majority have waiting periods of 7 years or less (17 states).
- **Comment on methodology:** This report deals only with waiting periods, and only with those applicable to general record clearing of felony and misdemeanor

convictions. Different waiting periods may apply to specialized record-clearing programs such as those that apply to victims of human trafficking, decriminalized offenses (e.g., marijuana), and so-called youthful offender programs. It also does not take account of other eligibility requirements that typically apply that could extend the waiting period, including completion of supervision and/or payment of court debt, or potential extensions related to prior, subsequent, and pending criminal matters. It does not consider provisions allowing the DA to consent to shorten waiting periods.

The Tables are based only on the length of the waiting period specified in statute. Insofar as practicable, the charts account for differences in when the waiting period commences (e.g., upon conviction, upon release from incarceration, upon completion of supervision, upon completion of sentence including payment of court debt). Further information about states in the far righthand column of the Tables may be found in the state-specific write-ups in the Appendix or in the state-specific profiles from CCRC's [Restoration of Rights Project](#).

- **Considerations for assessing the efficacy of waiting periods:** In assessing how waiting periods affect the efficacy of a particular state's record clearing system, it is important to consider whether some states with shorter waiting periods authorize clearance of a narrower set of convictions, and, conversely, whether some states with longer periods may authorize clearing of a broader set of convictions. In many if not most cases, other variables (including but not limited to those mentioned in the foregoing paragraph) will have to be brought into play to provide a fair assessment.
- **The changing concept (and length) of waiting periods:** Many waiting periods, notably longer ones, reflect a concept of record clearing via expungement or sealing as "recognition of successful rehabilitation and reason to terminate legal disqualifications and disabilities."<sup>1</sup> In recent years, however, many states have shortened waiting periods in recognition of the constructive role that record clearance plays in facilitating reentry and rehabilitation, reasoning that individuals "need the most assistance immediately after release from prison or termination of sentence."<sup>2</sup>

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<sup>1</sup> James Jacobs, *THE ETERNAL CRIMINAL RECORD* 131 (Harvard Univ. Press 2015).

<sup>2</sup> *Id.* See also Brian M. Murray, *Retributive Expungement*, 169 U. Pa. L. Rev. 665, 695 (2021); J.J. Prescott & Sonja B. Starr, *Expungement of Criminal Convictions: An Empirical Study*, 133 Harvard L. Rev. 2460, 2479 (2020); Jeffrey Selbin et al., *Unmarked? Criminal Record Clearing and Employment Outcomes*, 108 J. Crim. L. Criminology 1, 52 (2018).

Since 2016, thirteen (13) states have reduced their waiting periods, four (4) states more than once. The seven (7) states that have enacted a general conviction sealing authority for the first time since 2018 have generally (though not invariably) provided shorter waiting periods than states with more venerable systems.<sup>3</sup> States that have reduced their waiting periods in recent years, or enacted new record clearing laws for the first time, tend to be geographically and politically diverse. The Tables show that the states with the longest waiting periods in the country are on the East Coast, with all but one in the Mid-Atlantic region.

- **Waiting periods and public safety:** Data on recidivism dating from the 1990s reinforced policy arguments that waiting periods should be long enough to reduce the risk of reoffending after record clearance. But new research on recidivism suggests that shorter waiting periods need not raise public safety concerns. Researchers at the RAND Corporation have raised questions about decades of received truth about the prevalence of reoffending after people leave prison, proposing that the majority of individuals with a conviction do not have a subsequent conviction, and that a person's likelihood of being convicted again declines rapidly as more time passes.<sup>4</sup> This new research would seem to cast doubt on the legitimacy of concerns that shortening waiting periods necessarily raises public safety concerns. Indeed, to the contrary, it suggests that it may be possible to reconcile the seemingly inconsistent policy goals of facilitating and recognizing rehabilitation through shorter waiting periods.

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<sup>3</sup> States that have reduced their eligibility waiting periods since 2016 are Arkansas, Massachusetts, Michigan, Missouri (twice), Nevada, New Jersey (twice), North Carolina, Ohio, Oklahoma (twice), Oregon, South Dakota, Vermont (twice), Washington. States that have enacted a general conviction sealing authority for the first time since 2018 are Alabama, Arizona, Connecticut, New Mexico, North Dakota, Virginia, West Virginia. Additional information about waiting periods in these states can be found in the [Restoration of Rights Project](#).

<sup>4</sup> Shawn Bushway et al., *Providing Another Chance: Resetting Recidivism Risk in Criminal Background Checks*, RAND Corp. (2022), <https://doi.org/10.7249/RR1360-1>.

**50-State Table #1: Misdemeanor Convictions**  
Waiting Periods for Record Clearing (Expungement or Sealing)

	No waiting period	From conviction	From completion of incarceration	From completion of incarceration and supervision	From another starting point*
<3	MS: 0 yrs.			WV: 1 or 2 yrs.	CA: 0 or 1 yrs.
<3					OH, MO: 1 yr.
<3					TX: 0 or 2 yrs.
<3					NV: 1 or 2 yrs.
<3					NM: 2 yrs.
<5		AL, ND: 3 yrs.	OR: 1 or 3 yrs.	CO, KS: 3 yrs.	AZ, NH: 2 or 3 yrs.
<5			MA: 3 yrs.		IL, WA: 3 yrs.
<5				MN: 2 or 4 yrs.	GA: 4 yrs.
<6		SC: 3 or 5 yrs.		OK: 0 or 5 yrs.	AR: 0 or 5 yrs.
<6				UT: 3 or 5 yrs.†	MI, NJ: 3 or 5 yrs.†
<6		IN, SD: 5 yrs.		KY, LA, RI, TN, VT, WY: 5 yrs.	MT: 5 yrs.
<8			VA: 7 yrs.		DE: 3-7 yrs.†
<8				NC: 5 or 7 yrs.	CT: 7 yrs.
<10		IA: 8 yrs.		DC: 8 yrs.	
10+		PA: 10 yrs.	NY: 10 yrs.	MD: 10 or 15 yrs.	
AK, Federal, FL, HI, ID, ME, NE, WI: No general record clearing for misdemeanor convictions					

\* See the Appendix for more details. Note that some of these states require payment of court debt before the waiting period begins to run. For more information on court debt as a barrier to record clearing, see a new report by CCRC and the National Consumer Law Center: [The High Cost of a Fresh Start, A State-by-State Analysis of Court Debt as a Bar to Record Clearing](#) (Feb. 2022).

† These states' automatic record clearing laws have different waiting periods (than those reflected in the chart): 5 years in Delaware; 7 years in Michigan; 10 years in New Jersey; and 5, 6, or 7 years in Utah. See the Appendix for more information.

## 50-State Table #2: Felony Convictions

Waiting Periods for Record Clearing (e.g., Expungement or Sealing)

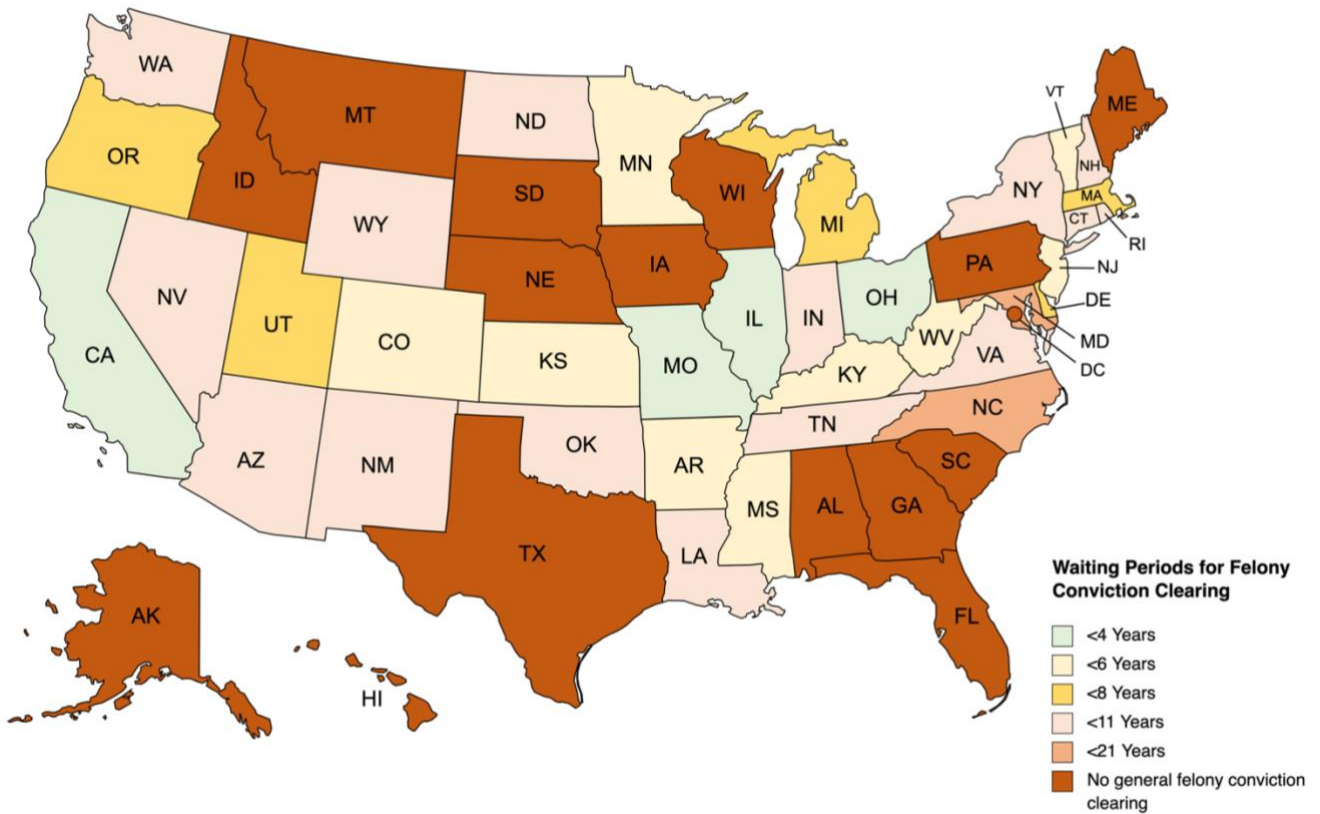
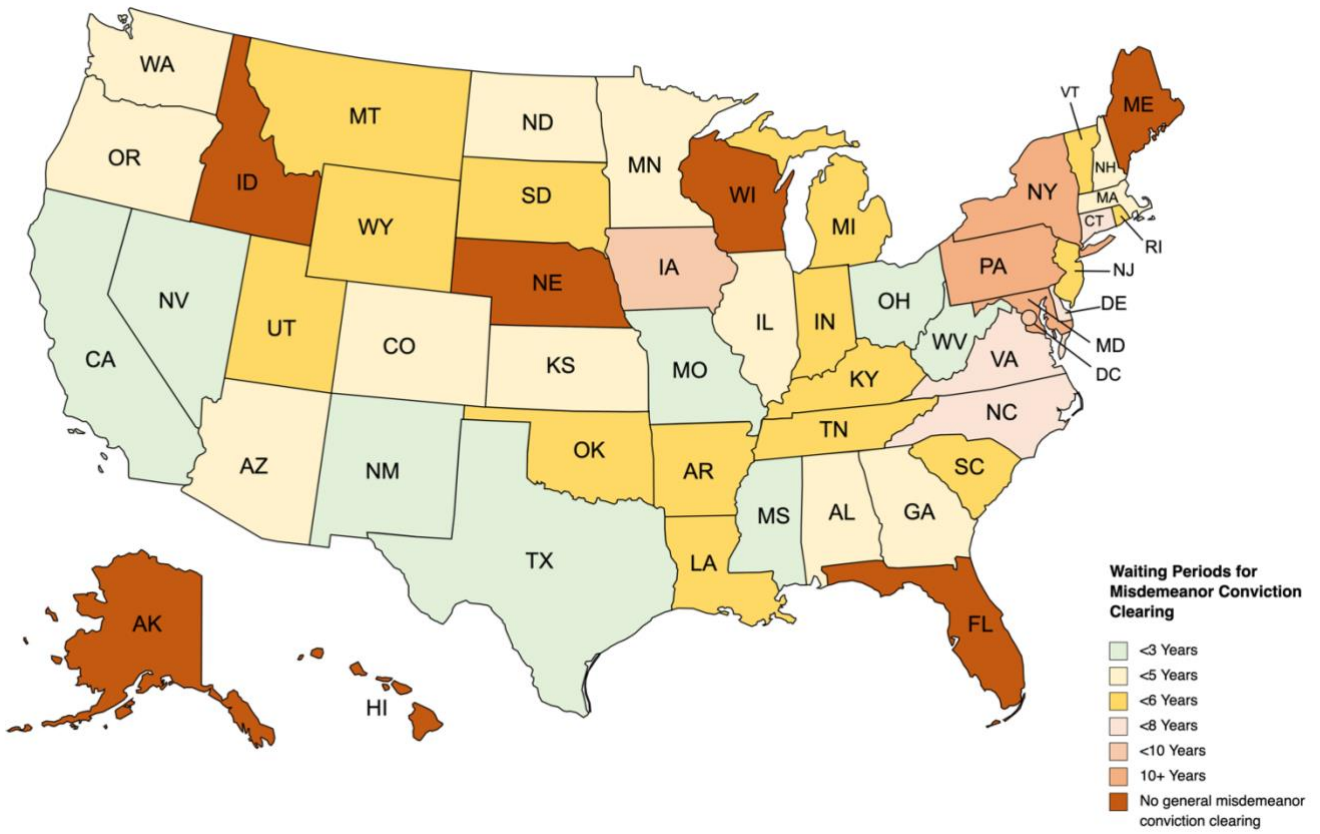
	From conviction	From completion of incarceration	From completion of incarceration & supervision	From another starting point <sup>‡</sup>
<4				CA: 0-2 yrs.
<4				OH: 1 or 3 yrs.
<4				IL, MO: 3 yrs.
<6				AR: 0 or 5 yrs.
<6			CO: 3 or 5 yrs.	NJ: 4 or 5 yrs. <sup>§</sup>
<6			KS, KY, MN, VT, WV: 5 yrs.	MS: 5 yrs.
<8		OR: 5 or 7 yrs.	UT: 7 yrs.	MI: 5 or 7 yrs. <sup>§</sup>
<8		MA: 7 yrs.		DE: 7 yrs. <sup>§</sup>
<11	ND: 5 or 10 yrs.	NY, VA: 10 yrs.	OK, TN, WA: 5 or 10 yrs.	NV: 2-10 yrs.
<11	IN: 8 or 10 yrs.		LA, RI: 10 yrs.	NM: 4-10 yrs.
<11				AZ, NH: 5 or 10 yrs.
<11				CT, WY: 10 yrs.
<21			NC: 10 or 20 yrs.	
<21			MD: 15 yrs.	
AL, AK, DC, Federal, FL, GA, HI, ID, IA, ME, MT, NE, PA, SC, SD, TX, WI: No general record clearing for felony convictions				

<sup>‡</sup> See the Appendix for more details. Note that some of these states require payment of court debt before the waiting period begins to run. For more information on court debt as a barrier to record clearing, see a new report by CCRC and the National Consumer Law Center: [The High Cost of a Fresh Start, A State-by-State Analysis of Court Debt as a Bar to Record Clearing](#) (Feb. 2022).

<sup>§</sup> These states' automatic record clearing laws have different waiting periods (than those reflected in the chart): 10 years in Delaware; 10 years in Michigan; and 10 years in New Jersey. See the Appendix for more information.



## 50-State Maps



**Appendix**

<b>State</b>	<b>Classification of Conviction</b>	<b>Waiting Period Begins</b>	<b>Waiting Period (years)</b>	<b>Citation</b>
Alabama	Misdemeanor	“date of conviction”	3	Ala. Code § 15-27-1(b)(2)
	Felony	No general felony record clearing	N/A	N/A
Alaska	Misdemeanor	No general misdemeanor record clearing	N/A	N/A
	Felony	No general felony record clearing	N/A	N/A
Arizona	Misdemeanor	“completed the conditions of probation or sentence and was discharged by the court”	2 or 3	Ariz. Rev. Stat. § 13-911(e)
	Felony	“completed the conditions of probation or sentence and was discharged by the court”	5 or 10	Ariz. Rev. Stat. § 13-911(e)
Arkansas	Misdemeanor	“Completion of the person’s sentence,” defined to include custody time, monetary obligations, community service, discharge from probation or parole, suspended sentence, training programs that were conditions of supervision, and driving reinstatement requirements and fees	0 or 5	Ark. Code Ann. §§ 16-90-1404(1), -1405
	Felony	“Completion of the person’s sentence,” defined to include custody time, monetary obligations, community service, discharge from probation or parole, suspended sentence, training programs that were conditions of supervision, and driving reinstatement requirements and fees	0 or 5	Ark. Code Ann. §§ 16-90-1404(1), -1406
California	Misdemeanor	<i>Discretionary relief:</i> 0 or 1 years after “pronouncement of judgment”; <i>Mandatory relief:</i> upon early termination of probation or completion of its conditions; <i>Automatic relief:</i> completion of probation without revocation or “completed their sentence” and 1-year elapsed after judgment	0 or 1	Cal. Penal Code §§ 1203.4, 1203.4a, 1203.425
	Felony	<i>Petition-based relief:</i> 1 or 2 years after “completion of the sentence”; <i>Automatic relief:</i> completion of probation without revocation	0, 1, or 2	Cal. Penal Code §§ 1203.4, 1203.41, 1203.42,

State	Classification of Conviction	Waiting Period Begins	Waiting Period (years)	Citation
				1203.4a, 1203.425
Colorado	Misdemeanor	“the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction”	3	Colo. Rev. Stat. § 24-72-706(1)(b)
	Felony	“the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction”	3 or 5	Colo. Rev. Stat. § 24-72-706(1)(b)
Connecticut	Misdemeanor	<i>Automatic erasure:</i> “the date on which the court entered the convicted person's most recent judgment of conviction”	7	Conn. Gen. Stat. § 54-142a(e)
	Felony	<i>Automatic erasure:</i> “the date on which the court entered the convicted person's most recent judgment of conviction”	10	Conn. Gen. Stat. § 54-142a(e)
Delaware	Misdemeanor	<i>Discretionary relief:</i> 3 or 7 years from “date of conviction or the date of release from incarceration, whichever is later”; <i>Mandatory &amp; automatic relief:</i> 5 years after “date of conviction”	3, 5, or 7	Del. Code Ann. tit. 11, §§ 4373, 4374A, 4374
	Felony	<i>Discretionary relief:</i> 7 years after “date of conviction or the date of release from incarceration, whichever is later”; <i>Mandatory &amp; automatic relief:</i> 10 years after “date of conviction or the date of release from incarceration, whichever is later”	7 or 10	Del. Code Ann. tit. 11, §§ 4373, 4374A, 4374
District of Columbia	Misdemeanor	“completion of the movant's sentence,” defined to mean “unconditionally discharged from incarceration, commitment, probation, parole, or supervised release, whichever is latest.”	8	D.C. Code § 16-801, -803
	Felony	No general felony record clearing	N/A	N/A
Florida	Misdemeanor	No general misdemeanor record clearing	N/A	N/A
	Felony	No general felony record clearing	N/A	N/A
Georgia	Misdemeanor	Since “convicted of any crime in any jurisdiction...excluding any conviction for a nonserious traffic offense”	4	Ga. Code Ann. § 35-3-37(j)(4)(a)

State	Classification of Conviction	Waiting Period Begins	Waiting Period (years)	Citation
Georgia	Felony	No general felony record clearing	N/A	N/A
Hawaii	Misdemeanor	No general misdemeanor record clearing	N/A	N/A
	Felony	No general felony record clearing	N/A	N/A
Idaho	Misdemeanor	No general misdemeanor record clearing	N/A	N/A
	Felony	No general felony record clearing	N/A	N/A
Illinois	Misdemeanor	“termination of the petitioner’s last sentence”; “last sentence” means the “sentence, order of supervision, or order of qualified probation...that terminates last in time in any jurisdiction...”; “terminate” includes “satisfactory or unsatisfactory termination...”	3	20 Ill. Comp. Stat. 2630/5.2
	Felony	“termination of the petitioner’s last sentence”; “last sentence” means the “sentence, order of supervision, or order of qualified probation...that terminates last in time in any jurisdiction...”; “terminate” includes “satisfactory or unsatisfactory termination...”	3	20 Ill. Comp. Stat. 2630/5.2
Indiana	Misdemeanor	“date of conviction”	5	Ind. Code § 35-38-9-2(c)
	Felony	8 years after “date of conviction” for “non-violent” offenses (some also eligible 3 years after “completion of the person’s sentence”); 10 years after conviction (or 5 years after “completion of the person’s sentence”) for “violent” offenses; “sentence” likely includes any fines, fees, court costs, and restitution obligation “placed on the person as part of the sentence”	8 or 10	Ind. Code §§ 35-38-9-3, -4, -5
Iowa	Misdemeanor	“date of the conviction”	8	Iowa Code § 901C.3
	Felony	No general felony record clearing	N/A	N/A
Kansas	Misdemeanor	“(A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.”	3	Kan. Stat. Ann. § 21-6614

State	Classification of Conviction	Waiting Period Begins	Waiting Period (years)	Citation
Kansas	Felony	“(A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.”	5	Kan. Stat. Ann. § 21-6614
Kentucky	Misdemeanor	“completion of the person's sentence or...successful completion of the person's probation, whichever occurs later”	5	Ky. Rev. Stat. § 431.078
	Felony	“completion of the person's sentence or...successful completion of the person's probation, whichever occurs later”	5	Ky. Rev. Stat. § 431.073
Louisiana	Misdemeanor	“completed any sentence, deferred adjudication, or period of probation or parole”	5	La. Code Crim. Proc. Ann. art. 977
	Felony	“completed any sentence, deferred adjudication, or period of probation or parole based on the felony conviction”	10	La. Code Crim. Proc. Ann. art. 978
Maine	Misdemeanor	No general misdemeanor record clearing	N/A	N/A
	Felony	No general felony record clearing	N/A	N/A
Maryland	Misdemeanor	“the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision” (Shielding (a handful of minor misdemeanors): 3 years after completion of sentence)	10 or 15	Md. Code, Crim. Proc. §§ 10-110, 10-301
	Felony	“the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision”	15	Md. Code, Crim. Proc. § 10-110
Massachusetts	Misdemeanor	“the person's court appearance and court disposition records, including any period of incarceration or custody for any misdemeanor record to be sealed occurred”	3	Mass. Gen. Law ch. 276, § 100A
	Felony	the person's court appearance and court disposition records, including any period of incarceration or custody for any felony record to be sealed occurred”	7	Mass. Gen. Law ch. 276, § 100A

State	Classification of Conviction	Waiting Period Begins	Waiting Period (years)	Citation
Michigan	Misdemeanor	<p><i>Petition-based relief:</i> Most misdemeanors: “3 or more years after whichever of the following events occurs last: (a) Imposition of the sentence for the conviction that the applicant seeks to set aside. (b) Completion of any term of imprisonment imposed for the conviction that the applicant seeks to set aside. (c) Completion of probation imposed for the conviction or convictions that the applicant seeks to set aside.” Serious or assaultive misdemeanors: “5 or more years after whichever of the following events occurs last: (a) Imposition of the sentence for the conviction or convictions that the applicant seeks to set aside. (b) Completion of probation imposed for the conviction or convictions that the applicant seeks to set aside. (c) Discharge from parole imposed for the conviction that the applicant seeks to set aside, if applicable. (d) Completion of any term of imprisonment imposed for the conviction or convictions that the applicant seeks to set aside.”</p> <p><i>Automatic relief:</i> “7 years have passed from the imposition of the sentence.”</p>	3, 5, or 7	Mich. Comp. Laws §§ 780.621d, 780.621g
	Felony	<p><i>Petition-based relief:</i> 5 or 7 years after “whichever of the following events occurs last: (a) Imposition of the sentence for the convictions that the applicant seeks to set aside. (b) Completion of any term of felony probation imposed for the convictions that the applicant seeks to set aside. (c) Discharge from parole imposed for the convictions that the applicant seeks to set aside. (d) Completion of any term of imprisonment imposed for the convictions that the applicant seeks to set aside.”</p> <p><i>Automatic relief:</i> “(a) Ten years have passed from whichever of the following events occurs last: (i) Imposition of the</p>	5, 7, or 10	Mich. Comp. Laws §§ 780.621d, 780.621g

State	Classification of Conviction	Waiting Period Begins	Waiting Period (years)	Citation
		sentence for the conviction. (ii) Completion of any term of imprisonment with the department of corrections for the conviction.”		
Minnesota	Misdemeanor	“discharge of the sentence”	2 or 4	Minn. Stat. § 609A.02, subd. 3
	Felony	“discharge of the sentence”	5	Minn. Stat. § 609A.02, subd. 3
Mississippi	Misdemeanor	No waiting period	0	Miss. Code Ann. § 99-19-71(1)
	Felony	“successful completion of all terms and conditions of the sentence”	5	Miss. Code Ann. § 99-19-71(2)
Missouri	Misdemeanor	“completed any authorized disposition imposed under section 557.011 [imprisonment, fine, suspended imposition or execution of sentence with or without probation, a period of detention as a condition of probation]”	1	Mo. Rev. Stat. § 610.140(5)(1)
	Felony	“completed any authorized disposition imposed under section 557.011 [imprisonment, fine, suspended imposition or execution of sentence with or without probation, a period of detention as a condition of probation]”	3	Mo. Rev. Stat. § 610.140(5)(1)
Montana	Misdemeanor	“completed the sentencing terms for the offense or offenses for which expungement is being requested, including payment of any financial obligations or successful completion of court-ordered treatment”	5	Mont. Code Ann. § 46-18-1107
	Felony	No general felony record clearing	N/A	N/A
Nebraska	Misdemeanor	No general misdemeanor record clearing	N/A	N/A
	Felony	No general felony record clearing	N/A	N/A

State	Classification of Conviction	Waiting Period Begins	Waiting Period (years)	Citation
Nevada	Misdemeanor	“release from actual custody or discharge from probation, whichever occurs later” or “release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later,” depending on offense (a handful of misdemeanors are 7 years after “release from actual custody or...when the person is no longer under a suspended sentence, whichever occurs later”)	1 or 2	Nev. Rev. Stat. § 179.245
	Felony	2, 5, or 10 years from “release from actual custody or discharge from parole or probation, whichever occurs later” (a handful of felonies are 7 years after “release from actual custody or...when the person is no longer under a suspended sentence, whichever occurs later”)	2-10	Nev. Rev. Stat. § 179.245
New Hampshire	Misdemeanor	“completed all the terms and conditions of the sentence” (restitution and fines may be imposed as part of the sentence)	2 or 3	N.H. Rev. Stat. Ann. §§ 651:5, 651:63
	Felony	“completed all the terms and conditions of the sentence” (restitution and fines may be imposed as part of the sentence)	5 or 10	N.H. Rev. Stat. Ann. §§ 651:5, 651:63
New Jersey	Misdemeanor	<i>Petition-based:</i> 5 years “from the date of [the] most recent conviction, payment of fine, satisfactory completion of probation or release from incarceration for any disorderly persons or petty disorderly persons offense, whichever is later.” The waiting period may be waived if “less than five years has expired from the satisfaction of a fine, but the five-year time requirement is otherwise satisfied, and the court finds that the person has substantially complied with [a fine payment plan], or could not do so due to compelling circumstances ....” The waiting period may be reduced to 3 years if no intervening convictions and “compelling circumstances.” <i>Automatic relief:</i> Eligibility for “clean slate” is 10 years from “the person's most recent conviction,	3, 5, or 10	N.J. Stat. Ann. § 2C:52-1, et seq.



State	Classification of Conviction	Waiting Period Begins	Waiting Period (years)	Citation
New Jersey	Felony	<p>payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later.”            Notwithstanding the 10-year requirement, if financial obligations are “not yet satisfied due to reasons other than willful noncompliance,” the court shall convert them to a civil judgment and grant the expungement.</p>	4, 5, or 10	N.J. Stat. Ann. § 2C:52-1, et seq.
		<p>5 years after “date of his most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later.” The waiting period may be waived if “less than five years has expired from the satisfaction of a fine, but the five-year time requirement is otherwise satisfied, and the court finds that the person has substantially complied with [a fine payment plan], or could not do so due to compelling circumstances ....” The waiting period may be reduced to 4 years if no intervening convictions and “compelling circumstances.” Eligibility for “clean slate” is 10 years from “the person's most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later.” Notwithstanding the 10-year requirement, if financial obligations are “not yet satisfied due to reasons other than willful noncompliance,” the court shall convert them to a civil judgment and grant the expungement.</p>		
New Mexico	Misdemeanor	Since any “other criminal conviction”	2	N.M. Stat. § 29-3A-5.
	Felony	Since any “other criminal conviction”	4-10	N.M. Stat. § 29-3A-5.

State	Classification of Conviction	Waiting Period Begins	Waiting Period (years)	Citation
New York	Misdemeanor	“imposition of the sentence on the defendant’s latest conviction or...the defendant’s latest release from incarceration”	10	N.Y. Crim. Proc. Law § 160.59
	Felony	“imposition of the sentence on the defendant’s latest conviction or...the defendant’s latest release from incarceration”	10	N.Y. Crim. Proc. Law § 160.59
North Carolina	Misdemeanor	“a. For expunction of one nonviolent misdemeanor, five years after the date of the conviction or when any active sentence, period of probation, or post-release supervision has been served, whichever occurs later. b. For expunction of more than one nonviolent misdemeanor, seven years after the date of the person's last conviction, other than a traffic offense not listed in the petition for expunction, or seven years after any active sentence, period of probation, or post-release supervision has been served, whichever occurs later.”	5 or 7	N.C. Gen. Stat. § 15A-145.5(c)
	Felony	“a. For expunction of one nonviolent felony, 10 years after the date of the conviction or 10 years after any active sentence, period of probation, or post-release supervision, related to the conviction listed in the petition, has been served, whichever occurs later. b. For expunction of two or three nonviolent felonies, 20 years after the date of the most recent conviction listed in the petition, or 20 years after any active sentence, period of probation, or post-release supervision, related to a conviction listed in the petition, has been served, whichever occurs later.”	10 or 20	N.C. Gen. Stat. § 15A-145.5(c)
North Dakota	Misdemeanor	“The individual pled guilty to or was found guilty of a misdemeanor offense and the individual has not been convicted of a new crime for at least three years before filing the petition”	3	N.D. Cent. Code § 12-60.1-02

State	Classification of Conviction	Waiting Period Begins	Waiting Period (years)	Citation
North Dakota	Felony	“The individual pled guilty to or was found guilty of a felony offense and the individual has not been convicted of a new crime for at least five years before filing the petition.[] This chapter does not apply to: a. A felony offense involving violence or intimidation during the period in which the offender is ineligible to possess a firearm under subdivision a of subsection 1 of section 62.1-02-01 [“ten years after the date of conviction or the date of release from incarceration, parole, or probation, whichever is latest.”]”	5 or 10	N.D. Cent. Code § 12-60.1-02
Ohio	Misdemeanor	“final discharge”	1	Ohio Rev. Code Ann. § 2953.2
	Felony	“final discharge” (bribery waiting period is 7 years)	1 or 3	Ohio Rev. Code Ann. § 2953.2
Oklahoma	Misdemeanor	For misdemeanors sentenced to a fine only of \$501 or less, there is no waiting period; for other misdemeanors, it runs 5 years "since the end of the last misdemeanor sentence"	0 or 5	Okla. Stat. tit. 22, § 18
	Felony	“completion of the sentence” (Not clear what “completion of the sentence” means, but because there is an independent requirement for the payment of restitution, see Okla. Stat. tit. 22, § 18(a)(15), it likely only includes completion of custody and supervision.)	5 or 10	Okla. Stat. tit. 22, § 18
Oregon	Misdemeanor	“date of conviction or the release of the person from imprisonment for the conviction sought to be set aside, whichever is later”	1 or 3	Or. Rev. Stat. § 137.225(1)(b)
	Felony	“date of conviction or the release of the person from imprisonment for the conviction sought to be set aside, whichever is later”	5 or 7	Or. Rev. Stat. § 137.225(1)(b)

State	Classification of Conviction	Waiting Period Begins	Waiting Period (years)	Citation
Pennsylvania	Misdemeanor	<i>Petition-based relief:</i> “free from conviction for a period of 10 years for an offense punishable by one or more years in prison...”; <i>Automatic relief:</i> “free for 10 years from conviction for any offense punishable by imprisonment of one or more years...”	10	18 Pa. Cons. Stat. §§ 9122.1, 9122.2
	Felony	No general felony record clearing	N/A	N/A
Rhode Island	Misdemeanor	“completion of his or her sentence” (See <i>State v. Alejo</i> , 723 A.2d 762 (R.I. 1999) (“...first must serve out the full term of his or her sentence, regardless of whether the sentence was for imprisonment, suspension of imprisonment or probation, or any combination thereof. Once having completed the total length and probationary terms of the sentence imposed, the defendant, in the case of a misdemeanor conviction, then must wait an additional period of five years before first being eligible to file his or her motion to expunge the particular record of conviction.”))	5	R.I. Gen. Laws § 12-1.3-2
	Felony	“completion of his or her sentence” (See <i>State v. Alejo</i> , 723 A.2d 762 (R.I. 1999))	10	R.I. Gen. Laws § 12-1.3-2
South Carolina	Misdemeanor	“date of the conviction”	3 or 5	S.C. Code Ann. § 22-5-910
	Felony	No general felony record clearing	N/A	N/A
South Dakota	Misdemeanor	<i>Automatic relief:</i> “Any charge or conviction resulting from a case where a petty offense, municipal ordinance violation, or a Class 2 misdemeanor was the highest charged offense shall be automatically removed from a defendant’s public record after five years” (statute does not explicitly set a starting point, but reasonable to conclude it runs from “conviction”)	5	S.D. Codified Laws § 23A-3-34
	Felony	No general felony record clearing	N/A	N/A

State	Classification of Conviction	Waiting Period Begins	Waiting Period (years)	Citation
Tennessee	Misdemeanor	“completion of the sentence imposed” or “completion of the sentence imposed for the most recent offense” (Davidson County, TN Expungement form <a href="https://ccc.nashville.gov/wp-content/uploads/2021/08/40-32-101k-Expungement-Packet-Criminal.pdf">https://ccc.nashville.gov/wp-content/uploads/2021/08/40-32-101k-Expungement-Packet-Criminal.pdf</a> (“If the sentence included probation or parole, the sentence was completed at the end of the probation or parole”; also note that requirement to have “fulfilled all the requirements of the sentences” is listed separately from completion for the purposes of the waiting period)	5	Tenn. Code § 40-32-101
	Felony	“completion of the sentence imposed” or “completion of the sentence imposed for the most recent offense”	5 or 10	Tenn. Code § 40-32-101
Texas	Misdemeanor	“completion of the community supervision” or “completion of the person's sentence” (both used in statute to include “any term of confinement imposed and payment of all fines, costs, and restitution imposed”)	0 or 2	Tex. Gov't Code §§ 411.073, 411.0735
	Felony	No general felony record clearing	N/A	N/A
Utah	Misdemeanor	<i>Petition-based relief:</i> 3 or 5 years from the “date the petitioner was convicted or released from incarceration, parole, or probation, whichever occurred last, for each conviction the petitioner seeks to expunge” (10 years for certain DUI offenses). <i>Automatic relief:</i> 5, 6, or 7 years “from the day on which the case is adjudicated”	3, 5, 6, or 7	Utah Code Ann. §§ 77-40-105(4)(c)
	Felony	“date the petitioner was convicted or released from incarceration, parole, or probation, whichever occurred last, for	7	Utah Code Ann. §§ 77-40-105(4)(c)

State	Classification of Conviction	Waiting Period Begins	Waiting Period (years)	Citation
		each conviction the petitioner seeks to expunge” (10 years for certain DUI offenses)		
Vermont	Misdemeanor	“date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least five years previously.”	5	Vt. Stat. Ann. tit. 13, § 7602(b)(1)(a)
	Felony	“date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least five years previously.”	5	Vt. Stat. Ann. tit. 13, § 7602(b)(1)(a)
Virginia	Misdemeanor	<i>Petition-based relief:</i> “conviction, or...release from incarceration of the charge or conviction set forth in the petition, whichever date occurred later”; <i>Automatic relief:</i> “date of the conviction”	7	Va. Code Ann. §§ 19.2-392.12(f)(1), 19.2-392.6(c)
	Felony	“conviction, or...release from incarceration of the charge or conviction set forth in the petition, whichever date occurred later”	10	Va. Code Ann. § 19.2-392.12(f)(1)
Washington	Misdemeanor	“completed the terms of the sentence, including any financial obligations”	3	Wash. Rev. Code § 9.96.060
	Felony	“later of: (i) The applicant's release from community custody; (ii) the applicant's release from full and partial confinement; or (iii) the applicant's sentencing date;”	5 or 10	Wash. Rev. Code § 9.94A.640
West Virginia	Misdemeanor	For one misdemeanor: “conviction, completion of any sentence of incarceration or completion of any period of supervision, whichever is later in time.” For multiple misdemeanors: “the last conviction, completion of any sentence of incarceration, or completion of any period of supervision ordered for the last conviction, whichever is later in time.”	1 or 2	W. Va. Code § 61-11-26(b)

<b>State</b>	<b>Classification of Conviction</b>	<b>Waiting Period Begins</b>	<b>Waiting Period (years)</b>	<b>Citation</b>
West Virginia	Felony	“after conviction, completion of any sentence of incarceration, or completion of any period of supervision, whichever is later in time”	5	W. Va. Code § 61-11-26(b)
Wisconsin	Misdemeanor	No general misdemeanor record clearing	N/A	N/A
	Felony	No general felony record clearing	N/A	N/A
Wyoming	Misdemeanor	“the expiration of the terms of sentence imposed by the court, including any periods of probation or the completion of any program ordered by the court”	5	Wyo. Stat. Ann. § 7-13-1501
	Felony	“(A) The expiration of the terms of sentence imposed by the court, including any periods of probation; (B) The completion of any program ordered by the court; and (C) Any restitution ordered by the court has been paid in full.”	10	Wyo. Stat. Ann. § 7-13-1502