

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

This chart shows the availability of expungement, set aside and pardon, which are defined “by reference to the law of the convicting state.” *See Caron v. United States*, 524 U.S. 308, 313 (1998). To be included in one of these columns, the mechanism must operate on a “conviction,” which likewise is defined “by reference to the law of the convicting state.” *Id.*

Included in the “Expungement” column is any statutory procedure that results in what the state legislature or the state courts call an “expunction” or “expungement” which is available with respect to an existing adult conviction. The category relies on the terminology that the state itself uses rather than the effect of the procedure because the effect of an “expungement” is not functionally equivalent from state to state. Similarly, not included are procedures for “sealing” records or “vacating” convictions for certain purposes that may have an effect similar to another jurisdiction’s expungement procedure, unless the jurisdiction itself calls the procedure an “expunction” or “expungement.” *Compare, e.g., State v. Keyes*, 131 Wash.App. 1042 (Wash. App. Ct. 2006) (Table) (a “washed out” conviction under Wash. Stat. § 9.94A.640 is not an expungement) *with People v. Acuna*, 92 Cal.Rptr.2d 224, 226 (Cal. App. 2000) (a “set aside” conviction under Cal. Penal Code § 1203.4 is an expungement). Several jurisdictions permit expungement when charges have been dismissed or not prosecuted; when the person was acquitted; when the conviction was erroneous; when the person was adjudicated delinquent; or when the charge was dismissed upon successful completion of probation and judgment never entered. When expungement is available only in one or more of those situations, but not for an existing adult conviction, it is not included in this column. Expungement also may be available only in conjunction with or after a pardon, a state-labeled “set aside,” *see* next paragraph, or a civil rights restoration, *see* chart entitled “Mechanisms for Restoring Civil Rights Lost Upon Conviction.” If expungement is available only in conjunction with or after one of these other mechanisms, it is so noted, but is not a distinct method of satisfying the exemption clause.

Included in the “Set Aside” column are procedures that several jurisdictions label “set asides,” which remove a judgment of guilt that has entered on an otherwise valid adult conviction. Not included are procedures for appeal or collateral attack, available in every jurisdiction, which may reverse, vacate or invalidate a conviction, although Congress surely intended convictions thus “set aside” to be exempt as well.

The “Pardon” column is limited to executive pardons which are granted by the governor or, if the law of the jurisdiction so provides, by a board within the executive branch. It does not include executive procedures for restoring civil rights that are not called “pardons.” (A separate chart, entitled “Mechanisms for Restoring Civil Rights Lost Upon Conviction,” sets forth mechanisms for restoration of civil rights other than in conjunction with a pardon, “set aside,” or expungement, whether by operation of law or available from a court, the governor or an executive board.) If pardon is not available for some offenders, it is noted. For each jurisdiction, it is noted whether pardons are reasonably available, infrequent or rarely granted.

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

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Alabama	No.	No.	<p>Board of Pardons and Parole has pardon authority over all offenses except treason, impeachment and in which sentence of death is imposed and not commuted. <i>See</i> Ala. Code § 15-22-36(a) (1939).</p> <p>Reasonably available. <i>See</i> M. Love, <i>Relief from the Collateral Consequences of a Criminal Conviction: A State-by-State Resource Guide</i> (“<i>Collateral Consequences</i>”) at 21.</p>
Alaska	No.	<p>Yes, if court suspends imposition of sentence and place defendant on probation, and defendant thereafter is successfully discharged from probation, the court may “set aside” the conviction. <i>See</i> Alaska Stat. §§ 12.55.080, 12.55.085; <i>Doe v. State, Dept. of Public Safety</i>, 92 P.3d 398, 400 (Ala. 2004).</p> <p>Not available for homicide offenses; assault in the 1st, 2nd, or 3rd degree; stalking in the 1st or 2nd degree; assault of an unborn child in the 1st or 2nd degree; kidnapping; custodial interference in the 1st degree; any sexual offense; robbery in the 1st or 2nd degree; extortion; coercion; arson in the 1st degree; using a firearm in the commission of the offense. <i>See</i> Alaska Stat. § 12.55.085(f)(1)-(2). Also not available to anyone convicted of assault in the 4th degree, reckless endangerment, or any felony, if the person has a prior conviction of any misdemeanor offense against the</p>	<p>Governor has pardon authority over all offenses. <i>See</i> Alaska Const. art. III, § 21, Alaska Stat. § 33.20.070.</p> <p>Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences at Alaska-2</i>.</p>

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

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		person or any felony, including a prior conviction that has been set aside. <i>See id.</i> at § 12.55.085(f)(3).	
Arizona	A “set aside” “expunges” a conviction. <i>See Matter of Couser</i> , 596 P.2d 26, 27 (Ariz. 1979); (disavowed on different grounds, <i>Matter of Hoover</i> , 745 P.2d 939, 945-46 (Ariz. 1987)); <i>Russell v. Royal Maccabees Life Ins. Co.</i> , 974 P.2d 443, 449-50 (Ariz. App. Ct. 1998) (a “set aside” pursuant to § 13-907 “expunges” a conviction in a general sense but does not remove fact of conviction).	Yes if the court grants an application to “set aside” the judgment of guilt and dismisses the charges pursuant to Ariz. Stat. § 13-907. Not available if offense involved infliction of serious injury or use or exhibition of a deadly weapon or dangerous instrument; was a registrable sex offense; was committed with sexual motivation; had a victim who was a minor under fifteen; or was any enumerated driving violation. <i>See Ariz. Stat. § 13-907(D)</i> .	Governor has pardon authority over all offenses except treason and impeachment upon recommendation by Board of Executive Clemency. <i>See Ariz. Const. art. V, § 5; Ariz. Rev. Stat. §§ 31-402(A), 31-443.</i> Infrequent. <i>See M. Love, Collateral Consequences at Arizona-2</i> (discussing statistics showing Board recommends pardon for fewer than half of the applicants, and governor grants approximately one-third of those recommendations).
Arkansas	Yes. Expungement and sealing the record is available for a wide-range of non-violent offenders who have been convicted of no more than 2 felonies other than a capital offense, murder in the 1 st or 2 nd degree, 1 st degree rape, kidnapping, aggravated robbery, or delivery of controlled substances to a minor. <i>See Ark. Stat. §§ 16-90-602, 16-90-901 et seq., 16-93-1207.</i> Available anytime after successful completion of either probation or a commitment to the Department of Correction with judicial transfer to the Department of Community Correction. <i>See Ark Stat. § 16-93-1207.</i> Expungement is not available if convicted of an enumerated sex offense where the victim was under the age of 18. <i>See Ark. Stat. § 60-90-901(a)(3),</i>	No.	Governor has pardon authority over all offenses except treason and impeachment. <i>See Ark. Const. art. 6, § 18.</i> Reasonably available. <i>See M. Love, Collateral Consequences at Arkansas-3</i> (pardon applications granted approximately 40 to 50% of time).

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

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California	<p>(b). A “set aside” “expunges” a conviction. <i>See People v. Acuna</i>, 92 Cal. Rptr.2d 224, 226 (Cal. App. 2000).</p>	<p><u>Probationers.</u> A person who has been sentenced to probation and successfully completes that sentence “shall” have his conviction “set aside” and the charges dismissed. <i>See</i> Cal. Penal Code § 1203.4(a). Not available if misdemeanor pedestrian violation of the vehicle code; sodomy or oral copulation where the victim was under 14 and more than 10 years younger than the offender, or where accomplished by force, violence, duress, menace, fear of immediate and unlawful bodily injury, or through reasonable threats of future retaliation against the victim or another person; lewd or lascivious acts; continuous sexual abuse of a child; sexual penetration with a person under 14 and more than 10 years younger than the offender; felony sexual intercourse with a minor under 16 by a person 21 or over; or any infraction. <i>See</i> Cal Penal Code § 1203.4(b).</p> <p>Does not restore firearm rights. <i>See</i> Cal. Penal Code § 1203.4(a).</p> <p><u>Drug Possession.</u> Any person convicted of a nonviolent drug possession offense must have imposition of sentence suspended following judgment of conviction and instead be sentenced to probation and a drug treatment program. <i>See</i> Cal. Penal</p>	<p>Governor holds pardon authority over all offenses except impeachment. <i>See</i> Cal. Const. art. 5, § 8(a); Cal. Penal Code § 4800. The governor cannot pardon a person with two felony convictions without the recommendation of at least 4 judges of the state Supreme Court. <i>See id.</i></p> <p>A pardon cannot restore the right to own, keep and possess a firearm if convicted of a felony involving the use of a dangerous weapon. <i>See</i> Cal. Penal Code § 4852.17.</p> <p>Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences at California-4</i> (only 16 pardon applications granted during past three gubernatorial administrations).</p>

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

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		Code § 1210.1(a); <i>People v. Muldrow</i> , 144 Cal. App. 4 th 1038, 1049 (Cal. App. Ct. 2006). If the court finds that the defendant successfully completed drug treatment, and substantially complied with the conditions of probation, including refraining from the use of drugs after the completion of treatment, the conviction on which the probation was based shall be set aside and the court shall dismiss the indictment, complaint, or information against the defendant. <i>See id.</i> at § 1210.1(e)(1).	
Colorado	No.	No.	Governor has pardon authority over all offenses except treason and impeachment. <i>See</i> Colo. Const. art. 4, § 7; Colo. Stat. § 16-17-102. Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences at Colorado-2</i> .
Connecticut	No.	No.	Board of Pardons and Paroles has pardon authority. <i>See</i> Conn. Stat. §§ 54-124(f), 54-130a. Reasonably available. <i>See</i> M. Love, <i>Collateral Consequences at Connecticut-2</i> (25% to 40% of applications granted).
Delaware	No, except for first offender convictions relating to underage drinking. <i>See</i> 4 Del. Code Ann. § 904.	No.	Governor has pardon authority for all offenses except impeachment, but only upon the recommendation in writing of a majority of the Board of Pardons after a full hearing. <i>See</i> Del. Const. art. 7, § 1; 11 Del. Code Ann. § 4364. Reasonably available. <i>See</i> M. Love, <i>Collateral Consequences at Delaware-4</i> .
District of Columbia	No, except for conviction of parental kidnapping, D.C. Stat. § 16-1026, or	No.	President has pardon authority. <i>See In re Abrams</i> , 689 A.2d 6 (D.C. 1997).

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

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	conviction of underage drinking/false ID. <i>See</i> D.C. Stat. § 25-1002.		Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at District of Columbia-2.
Florida	No.	No.	Governor, with the approval of 2 members of the Cabinet, has pardon authority over all offenses except for treason and impeachment. <i>See</i> Fla. Const. art. 4, § 8(a); Fla. Stat. § 940-01; Rules of Executive Clemency, available at https://fpc.state.fl.us/Clemency.htm . Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at Florida-3-4.
Georgia	No.	No.	Board of Pardons and Paroles has pardon authority over all offenses. <i>see</i> Ga. Stat. 42-9-39 <i>et seq.</i> , with two exceptions. --Offenders who commit a second “serious violent felony” are not eligible for pardon, unless the person is subsequently declared innocent. <i>See</i> Ga. Stat. §§ 17-10-7(b)(2), 42-9-39(d). --Offenders who commit murder after previously being incarcerated under a life sentence must wait 30 years before being granted a pardon, unless the person is subsequently declared innocent. <i>See</i> Ga. Stat. § 42-9-39(b), (d). Pardons are granted when an applicant has served the full sentence and has had a clean record for 5 years, although the waiting period may be waived if it is detrimental to the applicant’s livelihood. <i>See</i> Ga. Admin. Code § 475-3-.10(3)(b). The Board may not grant conditional pardons, and the governor may not grant any pardons at all. <i>See</i> Ga. Stat. §§ 42-9-54(b), 42-9-56. Reasonably available. <i>See</i> M. Love, <i>Collateral Consequences</i> at Georgia-3 (approximately one-third to one-half of applications are granted).
Hawaii	No, except that a first time drug	No.	Governor holds pardon authority over all offenses. <i>See</i>

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

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	<p>offender convicted of any offense involving the possession or use of drug paraphernalia or certain felonies involving the possession or use of any dangerous drug, detrimental drug, harmful drug, intoxicating compound, marijuana, or marijuana concentrate, can be sentenced to probation so long as the court finds that the person is nonviolent, is in need of substance abuse treatment, and has a proposal for obtaining such treatment. <i>See</i> Hawaii Stat. § 706-622.5(1). If the person successfully completes the treatment program and complies with all other terms of probation, the person can file an application to expunge the conviction. <i>See id.</i> at § 706-622.5(4). Expungement is permitted only once. <i>See id.</i></p>		<p>Hawaii Const. art. 5, § 5.</p> <p>Reasonably available; “depends to some extent on political climate and comfort level of governor.” <i>See</i> M. Love, <i>Collateral Consequences</i> at Hawaii-2.</p>
Idaho	<p>A “set aside” “expunges” a conviction. <i>See State v. Mowry</i>, 9 P.3d 1217, 1221 (Ida. 2000).</p>	<p>Available if defendant receives a suspended sentence and either complies with all terms and conditions of probation or successfully completes and graduates from a drug or mental health court program and thereafter complies with all terms and conditions of probation for any offense other than a registrable sex offense. <i>See</i> Ida. Stat. § 19-2604(1), (3).</p>	<p>Commission of Pardons and Paroles has pardon authority over all offenses other than treason or impeachment, but only so far as granted by statute. <i>See</i> Idaho Const. art. 4, § 7; Idaho Stat. § 20-210. By statute, pardons for murder, voluntary manslaughter, rape, kidnapping, lewd and lascivious conduct with a minor child, and manufacture or delivery of controlled substances can only be recommended by the Commission and are subject to final approval or disapproval by the governor. <i>See</i> Idaho Stat. § 20-240.</p> <p>Reasonably available. <i>See</i> M. Love, <i>Collateral Consequences</i> at Idaho-3 (approximately two-thirds of applications for pardon are granted).</p>
Illinois	<p>No, except for first offenders convicted of misdemeanor failure to pay child</p>	<p>No.</p>	<p>Governor holds pardon authority for all offenses. <i>See</i> Ill. Const. art. 5, § 12. 730 Ill. Comp. Stat. § 5/3-3-13.</p>

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

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	support. <i>See</i> 750 Ill. Code § 16/15(c).		<p>Petitions are received by the Prisoner Review Board, which makes recommendations to the governor. <i>See</i> 730 Ill. Comp. Stat. § 5/3-3-13.</p> <p>Infrequent. <i>See</i> M. Love, <i>Collateral Consequences</i> at Illinois-3-4 (approximately 10% of applications for pardon are granted).</p>
Indiana	No.	No.	<p>Governor has pardon authority over all offenses except treason and impeachment. <i>See</i> Ind. Const. art. 5, § 17. Applications are submitted to the Parole Board, which then makes recommendations to the governor. <i>See</i> Ind. Stat. §§ 11-9-2-1 <i>et seq.</i></p> <p>Infrequent. <i>See</i> M. Love, <i>Collateral Consequences</i> at Indiana-3 (approximately 10% of applications for pardon are granted).</p>
Iowa	No, except for consuming alcohol in public. <i>See</i> Iowa Stat. § 123.46.	No.	<p>Governor has pardon authority over all offenses except treason or impeachment <i>See</i> Iowa Const. art. 4, § 16; Iowa Stat. § 914.1. Pardons may be issued upon direct application to governor or upon recommendation of the Board of Parole to the governor. <i>See</i> Iowa Stat. §§ 914.2, 914.3.</p> <p>Infrequent. <i>See</i> M. Love, <i>Collateral Consequences</i> at Iowa-5 (approximately one-fifth of applications for pardon are granted).</p>
Kansas	Yes. People convicted of all misdemeanors and most felonies can petition for expungement if 3 or 5 years (depending on the offense) have elapsed since the person satisfied the judgment imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence. <i>See</i>	No.	<p>Governor holds pardon authority over all offenses. <i>See</i> Kan. Const. art. 1, § 7; Kan. Stat. § 22-3701(1). Applications are referred to the Parole Board for non-binding recommendation to the governor. <i>See</i> Kan. Stat. § 22-3701(4).</p> <p>Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at Kansas-2.</p>

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

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	<p>Kan. Stat. § 21-4619(a)(1).</p> <p>The following offenses are not eligible for expungement: rape; simple or aggravated indecent liberties with a child; simple or aggravated criminal sodomy; simple or aggravated indecent solicitation of a child; sexual exploitation of a child; aggravated incest; endangering or abuse of a child; capital murder or murder in the first or second degree; voluntary or involuntary manslaughter; involuntary manslaughter while driving under the influence of alcohol or drugs; sexual battery when the victim was less than 18; aggravated sexual battery; driving under the influence; or any comparable offense. <i>See</i> Kan. Stat. § 21-4619(c).</p>		
Kentucky	No, except for first-time misdemeanors or lesser violations. <i>See</i> Ky. Stat. § 431.078.	Available for possession of marijuana or first conviction of possession of controlled substance upon satisfactory completion of treatment, probation, or other sentence, and issuance of a certificate to that effect. <i>See</i> Ky. Stat. §§ 218A.275(9), 218A.276(8).	Governor holds pardon authority for all offenses except impeachment. <i>See</i> Ky Const. § 77. Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at Kentucky-3.

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

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Louisiana	Available only after conviction has been “set aside.” <i>See</i> La. Rev. Stat. § 44:9(E)(1)(b), (E)(3).	<p>If convicted of a first offense non-capital felony, court may defer imposition of the sentence and place the defendant on probation. <i>See</i> La. C. Cr. P. Art. 893(E)(1)(a). Upon determination that the defendant has concluded his probation satisfactorily, court may set the conviction aside and dismiss the prosecution. <i>See id.</i> at Art. 893(E)(2). Not available for “crimes of violence,” sex offenses involving child under 17, controlled substances offenses punishable by more than 5 years, or convictions for producing, manufacturing, distributing, possessing with intent, or dispensing a Schedule I-V drug, or creating, distributing, or possessing a counterfeit of a Schedule I-V drug. <i>See id.</i> at Art. 893(E)(1)(b); <i>see also</i> La. Stat. section 14:2(B) (defining “crime of violence” as “an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon”).</p> <p>The same process applies to misdemeanor convictions for which imposition of sentence is deferred. <i>See</i> La. C. Cr. P. Art. 894(B). Available</p>	<p>Governor has authority, upon recommendation of the Board of Pardons, to grant pardons for all offenses. <i>See</i> La. Const. art. 4, § 5(E)(1); La. Rev. Stat. § 15:572.</p> <p>A first offender never previously convicted of a felony is pardoned automatically upon completion of his sentence, without a recommendation of the Board of Pardons and without action by the governor. <i>See</i> La. Const. art. 4, § 5(E)(1); La. Rev. Stat. § 15:572(B)-(C).</p> <p>Any person sentenced to life in prison is not eligible to apply for a pardon for 15 years. <i>See</i> La. Rev. Stat. § 15:572.4(D).</p> <p>Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences at Louisiana-4</i>.</p>

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

Jurisdiction	Expungement?	“Set Aside”?	Pardon?
		only once within a 5 year period, except for operating a vehicle while intoxicated, which can occur only once every 10 years. <i>See</i> La. C. Cr. P. Art. 894(B)(2). Not available for misdemeanor carnal knowledge of a juvenile, <i>see</i> La. Rev. Stat. § 14:80.1(E), and likely not available for convictions of criminal neglect of family. <i>See</i> La. C. Cr. P. Art. 894(A).	
Maine	No.	No.	Governor has pardon authority over all offenses except impeachment. <i>See</i> Me Const. art. 5, pt. 1, § 11. Rarely granted <i>See</i> M. Love, <i>Collateral Consequences at Maine</i> -2.
Maryland	No.	No.	Governor has pardon authority for all offenses except impeachment. <i>See</i> Md. Const. art. 2, § 20; Md. Code, Correctional Services, § 7-601(a)(2). Infrequent. <i>See</i> M. Love, <i>Collateral Consequences at Maryland</i> -4-5.
Massachusetts	No.	No.	Governor has pardon authority to issue pardons with consent of Governor’s Council for all offenses except impeachment. Mass. Const. Pt. 2, C. 2, § 1, Art. 8; M.G.L. 127 § 152. Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences at Massachusetts</i> -4-5.
Michigan	A “set aside” “expunges” a conviction. <i>See People v. Link</i> , 570 N.W.2d 297 (Mich. App. 1997).	Available by application to court by first offender at least 5 years following imposition of the sentence for the	Governor has pardon authority over all offenses except impeachment. <i>See</i> Mich. Const. art. 5, § 14. Applications are made to the Parole Board for non-binding

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

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		conviction that the applicant seeks to set aside or 5 years following completion of any term of imprisonment for that conviction, whichever occurs later. <i>See Mich. Stat. at § 780.621(1), (3)</i> . Not available if a felony for which the maximum sentence is life imprisonment, 2 nd or 3 rd degree criminal sexual conduct or assault with intent to commit criminal sexual conduct, or a conviction for a traffic offense. <i>See Mich. Stat. § 780.621(2)</i> .	recommendation to the governor. <i>See Mich. Stat. §§ 791.243, 791.244</i> . Rarely granted. <i>See M. Love, Collateral Consequences at Michigan-4</i> (only 33 pardons issued since 1969).
Minnesota	Yes. Expungement by petition to court is available to all offenders, although it is considered an “extraordinary remedy” that is to be granted only upon clear and convincing evidence that it would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety of sealing the record and issuing, enforcing and monitoring the expungement order. <i>See Minn. Stat. § 609A.03(1), (5)(a)</i> .	No.	Board of Pardons (governor, attorney general and chief justice of state supreme court) has pardon authority over all offenses except impeachment. <i>See Minn. Const. art. 5, § 7; Minn. Stat. § 638-.01</i> . In addition to a full or conditional pardon, the Board can issue a “pardon extraordinary,” which sets aside, nullifies and purges the conviction itself. <i>See Minn. Stat. § 638-.02(2)</i> . A person convicted of a crime of violence must wait 10 years after discharge of sentence and have no criminal convictions during that time to obtain a pardon extraordinary; everyone else must wait 5 years and have no convictions during that time. <i>See id.</i> at § 638.02(1)-(2). The Board must hold a hearing in every case and the decision to grant the pardon must be unanimous. Infrequent. <i>See M. Love, Collateral Consequences at Minnesota-4</i> (few applications).
Mississippi	No, except for first offender misdemeanor convictions, or upon successful completion of sentence imposed by drug court, which is available only to those (1) with no	No.	Governor has pardon authority over all offenses except treason and impeachment. <i>See Miss. Const. art. 5, § 124</i> . Rarely granted. <i>See M. Love, Collateral Consequences at 93</i> (26 pardons granted since 1992).

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

Jurisdiction	Expungement?	“Set Aside”?	Pardon?
	felony convictions or pending felony charges of “crimes of violence;” (2) with no prior convictions and who are not facing current charges of distributing, selling, possessing with intent to distribute, producing, manufacturing or cultivating of controlled substances; and (3) who are not facing current charges for burglary of an occupied dwelling or driving under the influence of alcohol or drugs with death resulting. <i>See</i> Miss. Stat. §§ 9-23-15(1), 9-23-23, 99-19-71.		
Missouri	No, except for first offender misdemeanor convictions of an alcohol-related driving offense after 10 year waiting period. <i>See</i> Mo. Stat. § 577.054.	No.	Governor has pardon authority for all offenses except treason and impeachment. <i>See</i> Mo. Const. art. 4, § 7. Applications are referred to the Board of Probation and Parole for investigation. <i>See</i> Mo. Stat. § 217.800(2). Infrequent. <i>See</i> M. Love, <i>Collateral Consequences</i> at Missouri-3 (approximately 2% of pardon applications granted, about 10 each year).
Montana	No.	No.	Governor has pardon authority for all offenses. <i>See</i> Mont. Const. art. 6, § 12. Applications are made to the Board of Pardons for investigation and cannot be sent to the governor for final decision without a favorable recommendation from the Board. <i>See</i> Mont. Stat. § 46-23-301(3). Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at Montana-3 (approximately 22% of pardon applications granted).
Nebraska	A “set aside” “expunges” a conviction. <i>See State v. Illig</i> , 467 N.W.2d 375 , 383-84 (Neb. 1991)	If placed on probation or sentenced to a fine only, a person may petition the court to set aside the conviction after successful discharge from probation and payment of any fine. <i>See</i> Neb.	Board of Pardons, composed of Governor, Secretary of State, Attorney General, has pardon authority over all offenses except treason and impeachment. Neb. Const. art. IV, § 13; Neb. Rev. St. § 83-1,126 <i>et seq.</i>

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

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		Stat. § 29-2264(2). A “set aside” does not restore firearm rights. <i>Id.</i> at § 29-2264(4)	Reasonably available. <i>See</i> M. Love, <i>Collateral Consequences</i> at Nebraska-4-5 (approximately one-half of applications for pardon are granted).
Nevada	No.	No.	The Board of Pardon Commissioners (the governor, justices of the state supreme court, and the state attorney general) has pardon authority for all offenses except impeachment and treason. <i>See</i> Nev. Const. art. 5, § 14; Nev. Stat. § 210.010(1). Pardons are granted by majority vote, but the governor must be in the majority. <i>See</i> Nev. Const. art. 5, § 14. Infrequent. <i>See</i> M. Love, <i>Collateral Consequences</i> at 27 (approximately 4% of applications for pardon are granted).
New Hampshire	Yes. Records may be expunged if a court orders the records annulled. <i>See</i> N.H. Rev. Stat. § 651:5; <i>see also</i> N.H. Rev. Stat. § 106-K:3(II). Available after person has completed all terms of sentence and not been convicted of another crime other than a motor vehicle offense for 1-10 years; not available for an enumerated violent crime, obstruction of justice, or an offense for which an extended term of imprisonment was imposed. N.H. Rev. Stat. § 651:5. Habitual offender records may be expunged after 7 years. N.H. Rev. Stat. § 262:19.	No.	Governor has pardon authority by and with the advice of the Council over all offenses except impeachment. <i>See</i> N.H. Const. pt. 2, art. 52; N.H. Rev. Stat. § 4:25. Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at New Hampshire-2 (2 pardons granted in past 10 years).
New Jersey	Yes. Expungement available if: -no prior or subsequent conviction or adjudication of being a disorderly person on more than two occasions;	No.	Governor has pardon authority for all offenses except impeachment and treason. <i>See</i> NJ Const. art. 5, § 2, ¶ 1. Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

Jurisdiction	Expungement?	“Set Aside”?	Pardon?
	-10 years from the latest of date of conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration; -Not available for murder, manslaughter, treason, anarchy, kidnapping, rape, forcible sodomy, arson, perjury, false swearing, robbery, embracery, aggravated sexual contact, sexual contact if victim a minor, criminal restraint, false imprisonment, engaging in sexual conduct which would impair or debauch the morals of the child, endangering the welfare of a child, any crime committed by a person holding any public office, position or employment if the crime involved or touched such office, position or employment, drug trafficking unless small amount of marijuana or hashish. -Not available if prior expungement. N.J. Stat. Ann. §§ 2C:52-2, 2C:52-14.		New Jersey-2.
New Mexico	No.	No.	Governor has pardon authority over all offenses except treason and impeachment. <i>See</i> NM Const. art. 5, § 6. Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at New Mexico-3 (approximately 5% of applications for pardon are granted).
New York	No.	No.	Governor has pardon authority over all offenses except treason and impeachment. <i>See</i> NY Const. art. 4, § 4. Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at New York-2.
North Carolina	No, except for possession of alcohol by person under 21. <i>See</i> NC Stat. § 15A-145.	No.	Governor has pardon authority over all offenses except impeachment. <i>See</i> NC Const. art. 3, § 5(6).

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

Jurisdiction	Expungement?	“Set Aside”?	Pardon?
			Rarely granted. <i>See M. Love, Collateral Consequences at North Carolina-2 (only 2 pardons granted since 2001).</i>
North Dakota	No, except for first offender convicted of misdemeanor possession of no more than 1 ounce of marijuana. <i>See N.D. Cent. Code § 19-03.1-23(8).</i>	No.	Governor has pardon authority over all offenses, although he may seek the advice of a Pardon Advisory Board. <i>See N.D. Const. art 5, § 7; N.D. Cent. Code §§ 12-55.1-02, 12-55.1-04.</i> Rarely granted. <i>See M. Love, Collateral Consequences at North Dakota-2.</i>
Ohio	Yes. Records for first offenders with certain misdemeanor and minor felony convictions and no pending charges can be sealed 3 years (felony) or 1 year (misdemeanor) after final discharge. <i>See Ohio Rev. Code §§ 2953.32(A)(1), 2953.33(A), 2953.36.</i> Sealing the record “expunges” the conviction. <i>See State ex rel Gaines v. Rossi, 716 N.E.2d 204, 206-07 (Ohio 1999).</i>	No.	Governor has pardon authority over all offenses except treason and impeachment. <i>See Ohio Const. art. 3, § 11.</i> Applications are made to the Adult Parole Authority for non-binding recommendation to the governor. <i>See Ohio Rev. Code Ann. § 2967.07.</i> Infrequent. <i>See M. Love, Collateral Consequences at Ohio-3 (20% granted).</i>
Oklahoma	No, except for first offender misdemeanants with waiting period of 10 years from judgment and no pending charges. <i>See Okla. Stat. tit. 22, § 18(7).</i>	No.	Governor has pardon authority over all offenses except impeachment, with favorable recommendation from a majority of the Pardon and Parole Board. <i>See Okla. Const. art. 6, § 10.</i> Reasonably available. <i>See M. Love, Collateral Consequences at 21.</i>
Oregon	A “set aside” “expunges” a conviction. <i>See, e.g., State v. Jansen, 105 P.3d 928, 929 (Ore. 2005).</i>	Available for misdemeanors and minor felonies (Class C, except child abuse, sex and traffic offenses, and other specified minor crimes, e.g. felony possession of marijuana) after completion of sentence. A person is eligible three years after pronouncement of judgment, subject to the person not having been convicted of any other offense in the previous ten	Governor has pardon authority over all offenses except treason. <i>See Or. Const. art. V, § 14; Or. Rev. Stat. § 144.649.</i> Rarely granted. <i>See M. Love, Collateral Consequences at Oregon-1-2.</i>

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

Jurisdiction	Expungement?	“Set Aside”?	Pardon?
		years or arrest within three years. Or. Rev. Stat. § 137.225(1)(a)-(b), (3), (5).	
Pennsylvania	No, except for a person 21 or older convicted of underage drinking, a person who has reached the age of 70 and been free of arrest or prosecution for ten years following final release from confinement or supervision, or a person who has been dead for three years. 18 Pa. Cons. Stat. § 9122(a)(3), (b)(1)-(2).	No.	Governor has pardon authority over all offenses except impeachment with favorable recommendation from majority of Board of Pardons. Pa. Const. art. 4, § 9(a). Reasonably available. <i>See M. Love, Collateral Consequences</i> at 21.
Rhode Island	Yes. First offenders may move the court to expunge the record of any conviction 5 years after completing sentence for a misdemeanor and 10 years after completing sentence for a felony. <i>See</i> R.I. Stat. § 12-1.3-2. Not available for anyone convicted of an enumerated “crime of violence.” <i>See id.</i> at § 12-1.3-1(1), 12-1.3-2(a).	No.	Governor has pardon authority over all offenses except impeachment. <i>See</i> RI Const. art. 9, § 13; RI Stat. § 13-10-1. Rarely granted. <i>See M. Love, Collateral Consequences</i> at Rhode Island-1.
South Carolina	No, except for first misdemeanor offense for failure to stop for a blue light if no other conviction for 3 years, S.C. Code § 56-5-750. Records of first offense convictions in magistrate or municipal court may also be expunged if no other conviction for 3 or 5 years, S.C. Code §§ 22-5-910, 34-11-90. However, magistrate and municipal courts only have jurisdiction over criminal cases in which the punishment does not exceed a fine of one hundred dollars or imprisonment for thirty days. <i>See</i> S.C. Code § 22-3-540; <i>State v. Dudley</i> , 614 S.E.2d 623,	No.	Probation, Parole, and Pardon Board has pardon authority over all offenses. S.C. Const. art. 4, § 14; S.C. Code § 24-21-920. Reasonably available. <i>See M. Love, Collateral Consequences</i> at South Carolina-3.

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

Jurisdiction	Expungement?	“Set Aside”?	Pardon?
South Dakota	625 S.C. 2005). No.	No.	Governor has pardon authority over all offenses except impeachment. <i>See</i> S.D. Const. art. 4, § 3. Pardons may be issued upon direct application to governor or upon application to and recommendation of the Board of Pardons and Paroles. <i>See</i> S.D. Const. art. 4, § 3; S.D. Codified Laws §§ 24-14-5, 24-14-8, 24-14-10, 24-14-11; <i>Doe v. Nelson</i> , 680 N.W. 302, 313 (S.D. 2004). Reasonably available. <i>See</i> M. Love, <i>Collateral Consequences</i> at South Dakota-5 (discussing statistics showing pardon granted to more than 50% of applications).
Tennessee	No. <i>See</i> Tenn. Stat. § 40-32-101(a)(1)(E).	No.	Governor has pardon authority over all offenses except impeachment. <i>See</i> Tenn. Const. art. 3, § 6; Tenn. Stat. § 40-27-101. Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at Tennessee-5 (approximately 16 pardons granted since 1996).
Texas	No, except for first offender violations relating to unlawful drinking and underage tobacco use. <i>See</i> Tex. Stat. §§ 101.73, 106.12, 161.255.	Yes, upon successful completion of all conditions if placed in community supervision, during which time the sentence of imprisonment or confinement, imprisonment and fine, or confinement and fine, is probated and the imposition of sentence is suspended in whole or in part. <i>See</i> Texas C. Cr. P. Art. 42.12, §§ 1, 2(2)(B), 3, 20(a). Community supervision is not available to a person sentenced to a term of imprisonment of more than 10 years or to a term of confinement for a “state jail felony.” or for a conviction of murder, capital murder, indecency with a child,	Governor has pardon authority over all offenses except treason and impeachment with written signed recommendation of a majority of the Board of Pardons and Paroles. <i>See</i> Tex. Const. art. 4, 11(b). Infrequent. <i>See</i> M. Love, <i>Collateral Consequences</i> at Texas-3 (approximately 11% of applications for pardons are granted).

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

Jurisdiction	Expungement?	“Set Aside”?	Pardon?
		<p>aggravated kidnapping, aggravated sexual assault, aggravated robbery, a health and safety code violation involving use of a child or a within school zone, sexual assault, or any conviction involving use of or exhibiting a deadly weapon. <i>See id.</i> at § 3(e)(1)-(2), 3g(a).</p> <p>“Set aside” is not available for a conviction of driving, flying, boating or assembling or operating an amusement park ride while intoxicated; intoxication assault or manslaughter; a registrable sex offense; or an offense punishable as a state jail felony. <i>See id.</i> at § 20(b).</p>	
Utah	<p>Yes. Petition to court available for expungement after the petitioner's release from incarceration, parole, or probation, whichever occurs last, and all fines ordered by the court have been satisfied for a felony conviction according to the following schedule: 10 years for enumerated misdemeanor driving offenses or a felony controlled substances offense; 7 years for any other felony; 5 years for Class A misdemeanors; 3 years for any other misdemeanor or infraction. Not available for a capital or 1st degree felony; second degree forcible felony; any sexual act against a minor; automobile homicide; driving under the influence; registrable sex offense or unless the applicant cannot obtain a</p>	No.	<p>Board of Pardons and Parole has pardon authority over all offenses except treason and impeachment. <i>See Utah Const. art. 7, § 12; Utah Stat § 77-27-5(1)(a).</i></p> <p>Rarely granted. <i>See M. Love, Collateral Consequences at Utah-2</i> (approximately 10 pardons granted since 1996).</p>

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

Jurisdiction	Expungement?	“Set Aside”?	Pardon?
	<p>certificate of eligibility. <i>See</i> Utah Stat §§ 77-18-11(1), (11), 77-18-12.</p> <p>A certificate of eligibility will not issue to a person who:</p> <ul style="list-style-type: none"> --has 2 or more prior felony convictions not arising out of a single criminal episode; --had a felony expunged previously; --had 2 or more misdemeanors expunged previously unless they would be classified as class B or class C misdemeanors in Utah and 15 years have passed since these misdemeanor convictions; --was convicted of a crime subsequent to the crime for which expungement is sought; or --has a combination of three or more convictions not arising out of a single criminal episode, regardless of the class of offense or whether the convictions were expunged. <p><i>See</i> Utah Code Ann. § 77-18-12(1)(a).</p>		
Vermont	<p>No, except for criminal contempt for violating a court order issued under the chapters against stalking or sexual abuse, punishable by no more than 6 months incarceration. <i>See</i> Vt. Stat. Ann. Tit. 12, § 5138(b), tit. 15, § 1108(e).</p> <p>Expungement is only otherwise available when the court defers sentencing, places the defendant on</p>	No.	<p>Governor has pardon authority over all offenses except treason and impeachment. <i>See</i> Vt. Const. ch. II, § 20.</p> <p>Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences at Vermont-1</i>.</p>

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

Jurisdiction	Expungement?	“Set Aside”?	Pardon?
	<p>probation; and “strikes the adjudication of guilt” and discharges the defendant once the terms of probation have been fulfilled. <i>See</i> Vt. Stat. Ann. tit. 13, § 7041(a), (d). The procedure is essentially available only by written agreement with the state and is considered “more akin to a conditional pardon.” <i>See id.</i> at § 7041(a); <i>State v. Pierce</i>, 657 A.2d 192, 195 (Vt. 1995) (“In effect, § 7041 conditions the court's power to expunge a criminal conviction on the agreement of the prosecutor.”). Only otherwise available to defendants 28 or less not convicted of a “listed crime” under tit. 13, § 5301(7), which includes offenses ranging from neglect to murder. <i>See id.</i> at §§ 5301(7), 7041(b)(2).</p>		
Virginia	No.	No.	<p>Governor has pardon authority over all offenses except for prosecutions brought by House of Delegates. <i>See</i> Va. Const. art. 5, § 12.</p> <p>Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at 36.</p>
Washington	No.	<p>Available if sentenced to probation upon application to the court to “set aside” the verdict any time between discharge from probation and the expiration of the maximum period of punishment for the offense. <i>See</i> Wash. Stat. § 9.95.240.</p>	<p>Governor has pardon authority over all offenses. <i>See</i> Wash. Const. art. 3, § 9.</p> <p>Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at Washington-3.</p>
West Virginia	No.	No.	<p>Governor has pardon authority over all offenses except for prosecutions brought by House of Delegates. <i>See</i> W.V. Const. art. 7, § 11.</p>

EXPUNGEMENT / “SET ASIDE” / PARDON CHART

Jurisdiction	Expungement?	“Set Aside”?	Pardon?
			<p>Not available to restore right to hold office to state officer convicted of felony bribery. <i>See</i> W. Va. Const. art 6, § 14.</p> <p>Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at West Virginia-1.</p>
Wisconsin	No, except for misdemeanors punishable by no more than one year committed before age 21, or misdemeanor invasion of privacy committed before age 18. Wis. Stat. § 973.015.	No.	<p>Governor has pardon authority over all offenses except treason and impeachment. Wis. Const. art. 5, § 6.</p> <p>Pardon not available to misdemeanants. <i>See</i> http://www.wi-doc.com/index_adult.htm; M. Love, <i>Collateral Consequences</i> at Wisconsin-1.</p> <p>Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at Wisconsin-2.</p>
Wyoming	No, except for first offender misdemeanors and juvenile offenses. <i>See</i> Wyo. Stat. §§ 7-13-1501, 14-6-241.	No.	<p>Governor has pardon authority over all offenses except treason and impeachment. Wyo. Const. art. 4, § 5.</p> <p>Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at Wyoming-2.</p>