

**PETITION FOR EXPUNGEMENT OF
RECORDS**

(Section 15-27-1 et seq., Ala. Code 1975)

Court Case Number

(Assigned by Clerk)

IN THE CIRCUIT COURT OF _____ COUNTY, ALABAMA
(Name of County)

_____, V. STATE OF ALABAMA,
(Last Name) (First Name) (Middle Name) RESPONDENT.
PETITIONER,

(Street Address)

(Email Address)

(City, State, Zip Code)

(Telephone Number)

XXX - XX -
(Social Security Number, Last four digits only)

(Date of Birth)

COURT CASE NUMBER TO BE EXPUNGED: _____

CHARGE TO BE EXPUNGED: _____
(Only one offense per petition; Multi-count cases require multiple petitions)

I, the above-named Defendant/Petitioner, was charged with the above-named offense which is:
(Check ONLY one (1) of the four (4) options listed below; If none applies, charge is not eligible for expungement)

- a misdemeanor criminal offense.
- a violation. [a violation, traffic violation, or municipal ordinance violation]
- a violent offense as defined by statute. [See § 12-25-32(15), Ala. Code 1975]
- a non-violent felony. [any felony other than a violent offense as defined by statute]

I hereby file this Petition with the Circuit Court to expunge records relating to the above charge because:
(Check ONLY one (1) of the seven (7) options listed below; If none applies, charge is not eligible for expungement)

- I was found not guilty of the charge.
- (Misdemeanor or violation only) The charge was dismissed without prejudice more than two years ago, was not refiled, and I have not been convicted of any other felony or misdemeanor crime, any violation, or any traffic violation, excluding minor traffic violations, during the previous two years.
- (Misdemeanor, violation, or non-violent felony only) The charge was no billed by a grand jury.
- (Misdemeanor, violation, or non-violent felony only) The charge was dismissed with prejudice.
- (Non-violent felony only) The charge was dismissed after successful completion of a drug court program, mental health court program, diversion program, veteran's court, or any court-approved deferred prosecution program. More than one year has passed from the successful completion of the program.
- (Non-violent felony only) The charge was dismissed without prejudice more than five years ago, was not refiled, and I have not been convicted of any other felony or misdemeanor crime, any violation, or any traffic violation, excluding minor traffic violations, during the previous five years.
- (Non-violent felony only) Ninety days have passed from the date of dismissal with prejudice, no-bill, acquittal, or *nolle prosequi* and the charge has not been refiled.

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Attached to this Petition are: *(Petition must include either item 1 or item 2; All Petitions must include item 3.)*

- (1) a certified record of arrest from the appropriate agency for the court record I seek to have expunged;
- (2) a certified record of disposition or a certified record of the case action summary from the appropriate court for the court record I seek to have expunged;
- (3) a certified official criminal record obtained from the Alabama Law Enforcement Agency (ALEA).

I am providing the following additional information as required by § 15-27-1 et seq. Ala. Code 1975:
(Petitioner must specify each of the following:)

1. Criminal charge from the record to be considered:

2. Grounds for, or reasons why you seek, expungement:

3. The agency or department that made the arrest:

4. Any agency or department where the Petitioner was booked or was incarcerated or detained pursuant to the arrest or charge sought to be expunged: ***(There is no way for the Court to successfully expunge records that are not indicated in the Petition or held by entities not served. Therefore, if the Petitioner was not booked, incarcerated or detained pursuant to arrest on the above-listed charge, that must be indicated here.)***

Further, **I have satisfied and paid in full all terms and conditions**, including court ordered restitution, including interest, to any victim or the Alabama Crime Victim's Compensation Commission, as well as court costs, fines, or statutory fees ordered by the sentencing court to have been paid, absent a finding of indigency by the court.

FOR EXPUNGEMENT OF RECORDS

(Section 15-27-1 et seq., Ala. Code 1975)

Court Case Number

I swear or affirm, under the penalty of perjury:

- (1) that the allegations I have made in this Petition are true and correct;
- (2) that I have satisfied the requirements set out in § 15-27-1 et seq. Ala. Code 1975; and
- (3) (Select one of the following):

that I have not previously applied for an expungement in this or any other jurisdiction.

that I have previously filed for an expungement. My previous expungement was filed in _____ COUNTY and it was given Court Case Number _____ . That previous petition for expungement was granted denied.

Signature of Petitioner/Affiant

pro se (Not represented by an attorney)

Personally appeared before the undersigned, an officer duly authorized to administer oaths, _____, Petitioner named in the foregoing Petition, who being duly sworn, states that
(Printed Name of Petitioner)
the facts set forth in the foregoing Petition are true and correct to the best of their information and belief.

Sworn To And Subscribed Before Me This:

Date

Officer Authorized to Administer Oaths or Notary Public

Printed or Typed Name of Officer

My Commission Expires: _____

Printed or Typed Name of Attorney & AL State Bar No.

Signature of Attorney

Business Address of Attorney

City State Zip Code

Telephone Number

Email Address

**PETITION FOR EXPUNGEMENT OF
RECORDS
(Certificate of Service)**

Court Case Number

(Section 15-27-1 et seq., Ala. Code 1975)

(This page is a form Certificate of Service that can be used by the Petitioner to perfect statutorily-required service as well as to serve any other entities holding records the Petitioner wants expunged. A separate form should be filled out and signed by the person who served the party. Include as many copies of this page as necessary to show service on all parties, persons, or entities.

NOTE: Records held by parties who are not served may not be successfully expunged, or expungement may be substantially delayed. Please understand that if you do not provide the name and address of any agency or entity in possession of records you want expunged, the Court has no way of finding those records and successfully completing the expungement process. Furthermore, if those entities are not properly served, the Court has no authority to order those records expunged.)

(ATTORNEYS: YOU ARE NOT REQUIRED TO USE THIS FORM, BUT YOUR PETITION MUST INCLUDE A CERTIFICATE OF SERVICE THAT COMPLIES WITH ALA. CODE §15-27-3(C), AND THE ALABAMA RULES OF CIVIL PROCEDURE.)

I, _____, (print your name, or the name of the person who has personal knowledge of the service), certify that I have this date delivered a copy of the foregoing Petition For Expungement of Records to the following court, agency, or other entity pursuant to Ala. Code 1975, § 15-27-3(c): (Check only one box per copy of this form)

District Attorney Municipal Chief of Police Sheriff State Troopers (Sec. of ALEA)

Clerk of the Circuit Court of the Jurisdiction where the Petition is filed District Clerk Municipal Clerk

Other agency, department or entity not listed above: _____

Date of Service: _____

Name of Agent Authorized to Receive Service: _____

Service Address: _____

Telephone Number: _____

Method Of Service: Personal Sheriff Other: _____

DATED this ____ day of _____, 20____.

Petitioner's/Server's Signature _____
(Should match name at the top of the page)

Petitioner's/Server's Address: _____

Petitioner's/Server's Telephone Number: _____

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(Instructions for Petitioner)
(Section 15-27-1 et seq., Ala. Code 1975)

Court Case Number

PAGE 1

- The Petitioner must fully complete the entire title section (above the solid black line) of the Petition.
- The first line refers to the circuit court of the county in which the Petition is to be filed—the Petition must be filed in the county where the Petitioner was charged with the offense. For example: A municipal ordinance violation filed in Huntsville, AL would be properly filed in the Circuit Court of Madison County.
- The Petitioner’s name on the second line must match the title of the underlying case—the case the Petitioner is petitioning to have expunged.
- The “Petitioner” section must be completed with the Petitioner’s name and CURRENT contact information.
- The Petitioner must list the full court case number of the underlying case—the case the Petitioner is petitioning to have expunged. There may be more than one charge on any given case number, but each petition must be limited to one charge. **If the Petitioner seeks to have each charge expunged, the Petitioner must fill out a separate petition for each charge.**
- The bottom half of the page asks two qualifying questions about the underlying case. Cases eligible for expungement satisfy one of the options completing the first statement AS WELL AS one of the options completing the second statement. Note that some of the options completing the second statement are limited to certain circumstances. **The Petitioner must check one, and only one, option to complete each of the two statements.**

PAGE 2

- The first paragraph on page 2 refers to attachments to the Petition. **Section 15-27-3(b) Ala. Code (1975)** requires, as a minimum, that petitioners include BOTH a certified record relating to the charge from the local entity (either law enforcement or court) AND a certified criminal record from the state agency - the Alabama Law Enforcement Agency (ALEA). Accordingly, this Petition will be processed even if only the minimum information required under the statute is supplied. HOWEVER, the expungement order may be incomplete if the Court and the Alabama Law Enforcement Agency are not made aware of the location of ALL records relating to the underlying charge. It is, therefore, recommended that the Petitioner attach to the Petition certified copies of arrest, booking, or incarceration records from ALL law enforcement agencies (city, county, and state), and certified copies of case action summaries or dispositions from ALL court clerks (municipal, district, and circuit) who may hold records of any kind relating to the underlying case.
- The second paragraph on page 2 corresponds to a section of the statute which requires that petitioners specify the listed items. A response is required as to each point. If any of the items do not apply, the Petitioner must specify that they do not

apply and, if possible, why they do not apply. The Petitioner must include an address for each agency, department, etc. listed. Additional pages may be attached if necessary.

- The final paragraph of page 2 relates to the disposition of the underlying case. Any and all conditions of the court of disposition must be satisfied in order for the charge to be eligible for expungement. This includes ANY and ALL fines fees or other payments to the court.

PAGE 3

- The final page is an averment under oath that the entire Petition is true and correct and that the Petitioner is eligible for expungement, and includes information from the Petitioner about other expungement petitions. Intentionally giving false information to the Court may carry penalties.
- All previous petitions for expungement must be disclosed. Additional pages may be attached, if necessary.
- The Petitioner must sign this document under oath and the signature must be verified by an official authorized to administer oaths or a notary public.
- At the bottom of page 3 is a section for information about the Petitioner’s attorney and for the attorney’s signature. If the Petitioner IS represented by an attorney, the attorney must sign where indicated. If the Petitioner IS NOT represented by an attorney, the box next to “*pro se*” must be checked under the Petitioner’s signature.

PAGE 4

- **Section 15-27-3(b) Ala. Code (1975)** requires the Petitioner to serve the “district attorney, the law enforcement agency, and clerk of court of the jurisdiction for which the records are sought to be expunged.” The Petitioner is responsible for providing the Court and ultimately the Alabama Law Enforcement Agency with all the information necessary to contact every court, law enforcement agency or other entity in possession of records the Petitioner seeks to have expunged.
- The Petitioner must certify to the Court that each of the courts, agencies, or other entities holding records relating to the underlying case has been served. Page 4 is a form certification for the courts, agencies, or other entities served with this Petition and their addresses. Additional pages may be attached if necessary.
- NOTE: Any information (including mailing addresses) provided regarding courts, agencies, or other entities holding records relating to the underlying case will expedite the execution of an expungement order if one is entered. Without such information, it may not be possible to locate records.