

Cost and Process

The process of expungement is quite simple in my office. I meet with clients in person or by phone and learn their story, as well as, review their criminal history in Kentucky. If you are eligible to expunge your record, our first step is to order both your official **Kentucky Administrative Office of the Court Criminal History** and a **Kentucky State Police Certificate of Eligibility**. The state charges me \$42.50 for these documents. I cannot order your criminal history from the Kentucky Administrative Office of the Courts and your Kentucky State Police Certificate of Expungement Eligibility without your full name, name at the time of your arrest if different, date of birth, address, email, phone number, and social security number. If you are unsure whether you have provided this information, please email it to me at info@helpexpungeme.com.

Generally speaking, my fees range from \$250.00-\$500.00 per misdemeanor expungement.

I. MISDEMEANOR EXPUNGEMENT COST

Example: If you pled guilty on October 1, 2013, to possession of marijuana, possession of drug paraphernalia, and reckless driving the total fee for expunging those charges would be: \$395.50 to expunge these three charges on a citation.

\$ 42.50 (AOC Criminal Record and KSP Expungement Eligibility Certificate)
\$250.00 (Attorney fee for the expungement of 3 charges in that charges)
\$103.00 (District Court Expungement Filing Fee)
\$395.50 Total Cost for Misdemeanor Expungement

II. FELONY EXPUNGEMENT COSTS

Example: If you pled guilty on October 1, 2013, to possession of a control substance Class D felony offense, possession of marijuana, possession of drug paraphernalia the total fee for expunging those charges would be as little as: \$1344.00 for the expungement of all three charges on that indictment.

\$ 42.50 (AOC Criminal Record and KSP Expungement Eligibility Certificate)
\$ 1,000.00 Felony Expungement Attorney Fee
\$ 51.50 Circuit Court Electronic Filing Fee
\$ 250.00 Circuit Court Expungement Filing Fee
\$ 1,344.00 Total Cost for Felony Expungement

I can work with clients and break up the payments to ½ upon engagement and the final ½ 30 days later.

My fees for felony expungement range from \$1000.00 to \$2500.00 for a felony expungement. The fees depend on the number, complexity, eligibility, and the time involved. Please call my receptionist Charlene Manley at (502) 589-6190 to schedule an appointment to meet with you. *I do not charge for the initial expungement client interview*

What does expungement mean?

Expungement is the process by which a criminal conviction is dismissed and removed from a state criminal database. It is an order from the trial court directing state agencies to treat the criminal conviction as if it never existed. I want to remind you that private vendors purchase state and county records and sell this information as background checks. If a potential employer advises you that they cannot employ you because of your record, please advise them that your records have been expunged and you have a copy of the expungement order. Politely advise them that you were advised by the court and your lawyer that once a case has been expunged it is as if it did not exist and “the person whose record is expunged shall not have to disclose the fact of the record or any matter related thereto on an application for employment, credit, or other types of application.”

The American Bar Association defines what is an expungement and explains the limits of expungement. The article is available at:

https://www.americanbar.org/groups/public_education/publications/teaching-legal-docs/what-is-expungement/

Process:

If you have not already done so, please go to my website www.helpexpungeme.com on your smartphone or computer and click on the Green Button [CLICK HERE TO EMAIL HELPEXPUNGEME.COM](mailto:bsims@helpexpungeme.com). You will be asked to answer some questions so I can contact you. Before you send the form, be sure you have included the information that I asked for above. You can put your social security number in the last box titled "Additional Information About You". Once the contact form is submitted to me, I will look up your criminal history, email you a letter with my findings, and an unofficial criminal record from the Courts Database-CourtNet 2.0. This document should contain all your charges from 1998 to the present. If you have criminal records before that date, we will find them on your record when I order your official record and the state police record. I ask every client to program my cell number, (502) 648-1759 into their phone with my email address bsims@helpexpungeme.com so that I can answer any question you may have and review your criminal record with you. If you can't reach me on my personal cell, do not hesitate to call my receptionist Charlene at (502) 589-6190. Charlene maintains my schedule and can set up an appointment or phone conference for you.

I will review your records with you. I will send you a letter containing your unofficial criminal record and provide my opinion if you qualify, don't qualify and why, and sometimes recommendations so that you can become qualified. If you were convicted of a felony offense, I will also send you Senate Bill 57 questions. These questions are asked by the Court and sent to the prosecutor. I will review the questions and the responses with you. I want these answers to be

in your voice and not the legalese a lawyer might use. I will review your answers to be sure they answer the Judge's questions. I may want to emphasize certain answers because they will appeal to most judges, but I will need your help.

As I mentioned earlier, the first step is to order and pay for your Kentucky Criminal Record from the Kentucky Administrative Office of the Courts. In addition, we will need to order a Certificate of Expungement Eligibility from the Kentucky State Police. The agencies charge me \$42.50 to order your records electronically. These two documents must be affixed to every petition for the expungement of a conviction. I will order all the records you will need to petition to expunge your record. I will then prepare the motions, petitions, criminal records, certificates of eligibility. I will file the documents with the appropriate court(s). Once we file your petition for expungement, the court and prosecutors review the petitions to determine if the petition complies with the expungement statute and are required to notify any victim who may want to object and appear at your hearing.

The state has up to 30 days to send me your records. ***Once I receive the records, I only have 30 days in which to file the petitions and pay the court fees.*** Program your calendar to contact me if you have not heard from me or my office within 30 days. My receptionist Charlene Manley or assistant Michele Smith at our other office will contact you. If you do not receive an email, please check your spam folders for communication from my calendaring program Clio or from Charlene or Michele.

The state has up to 30 days to send me your records. ***Once I receive the records, I only have 30 days in which to file the petitions and pay the court fees.*** If you pled guilty to a misdemeanor, the court charges \$103.00 to file your misdemeanor expungement petition and order. If the charge is for a felony expungement, the court charges \$250.00 for filing a felony expungement petition and order plus \$51.50 to file electronically. If all your misdemeanor charges were dismissed or you were found not guilty the state does not assess a filing fee for expungement. The legislature after June 27, 2019, will permit the \$250.00 fee to be paid in installments. The first installment of \$50.00 must be paid at the filing of the felony expungement petition. The remaining \$200.00 can be paid over an 18 month period. **The expungement order will not be entered until the balance is paid.**

We have 120 different counties in Kentucky, each county has their own process for expungement within certain guidelines. In Jefferson County, most misdemeanor expungements are processed by the Court off docket-meaning after court is closed. We will be given a court date, usually 50 days after the date of filing your misdemeanor expungement petition. However, because most expungements I file are clearly eligible, usually the expungement orders will be entered by the Court within 3-4 weeks. If there is a question, an objection by a witness or the prosecutor, we will have a hearing where you may be called to answer questions. I will help prepare you for that hearing.

In Circuit Court, the Judge has 120 days to sign the petition for expungement or to set a hearing date. In most cases, the Court will not require a hearing. If a hearing is set, we will have a phone conference to prepare you for questions the court may ask. The most important thing to

remember is to answer the questions truthfully. Do not get defensive, do not show emotion other than to express appreciation to the court for considering your request. If victims are present for this hearing, do not engage them. If they are not speaking truthfully to the court, quietly inform me and I will address it. You are being watched by the Judge and by the Prosecutor, understand your role is to project quiet confidence, humility, politeness, and respect for the court. These are the qualities that matter at that moment. If there is no objection by any party and the court agrees that expungement should be granted, the court will sign the expungement order without a hearing.

Once the court signs the expungement order, the order is returned to the county circuit court clerk's office to be entered. The Circuit Court Clerk deletes the convictions and any information about the charge from the court's records and databases. The Circuit Court Clerk's office is to provide both of us with a copy of your expungement order and to notify the Corrections Department, arresting agencies, various state agencies, and the Kentucky State Police. Once the Kentucky State Police receive your expungement order they have sixty days to remove the records from their database and to notify and update NCIC (National Criminal Information Center) that the court has dismissed and expunged the conviction. While the state does not have the authority to order a federal agency to expunge your record, the NCIC record is actually updated by the Kentucky State Police as the custodian of criminal records in Kentucky. There are certain employers like federal agencies, law enforcement agencies, and other employers who because your employment involves a matter of national security, or a position of trust like a lawyer will still have access to expunged records. However, unless your job involves a position of trust like a lawyer, law enforcement officer, certain medical positions, this record will not be available for other employers to review. If you are applying for admission to law school or to become a member of the bar, you are required to advise the law school or state bar examiner if you have had a criminal conviction expunged.

I want to remind you that private vendors purchase state and county records and sell this information as a background check. If a potential employer advises you that they cannot employ you because of your record, please advise them that your records have been expunged and you have a copy of the expungement order. Politely advise them that you were advised by the court and your lawyer that once a case has been expunged it is as if it did not exist and "the person whose record is expunged shall not have to disclose the fact of the record or any matter related thereto on an application for employment, credit, or other types of application." I would ask the employer for a copy of the record and recommend that you send them a letter by certified mail requesting that they immediately remove the conviction from their database. In your letter be sure to include a copy of your expungement order and a request for them to provide written confirmation that the offending charges were removed. Remember, send the letter by certified mail and keep proof of your letter and your proof of the certified mailing of your letter.

Kentucky's expungement law provides you certain protections under KRS 431.073 (6):

Upon entry of an order vacating and expunging a conviction, the original conviction shall be vacated and the record shall be expunged. The court and other agencies shall cause records to be

deleted or removed from their computer systems so that the matter shall not appear on official state-performed background checks. The court and other agencies shall reply to any inquiry that no record exists on the matter. **The person whose record is expunged shall not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit, or other type of application. If the person is not prohibited from voting for any other reason, the person's ability to vote shall be restored and the person may register to vote.**

KRS 431.073 (6) (emphasis added)

According to the National Employment Law Project, one in four background checks has incorrect data on the report. It is imperative that you protect your rights and your privacy.

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Likewise, the National Crime Information Center (NCIC) can be reached at: <https://www.fbi.gov/services/cjis/ncic>

EXPUNGEMENT Is my passion as a lawyer. I have given 10 years of my life trying to pass expungement reform in Kentucky. I am the Kentucky lawyer who met with labor and business to gain their support for expungement. I met with Governors, legislatures, appeared before the House Judiciary Committee to pass expungement reform. I don't just know this law, I helped write, pass it, and live this law every day. Let me help you start over!