



EXPUNGEMENT DOCUMENTS ENTERED 1/1/2009 – 12/31/2021 STATEWIDE

July 11, 2022

Statistics Request Overall Description

On July 11, 2022, Research and Statistics received a request for a report on expungement documents entered between 1/1/2009 thru 12/31/2021.

CourtNet, which provides a summary of Kentucky court cases statewide, was queried for the specific document codes for the petitions and applications for expungement documents (PEXC, AFEX, PEXA, OAE, or PEX) which were entered within criminal cases January 1, 2009 through December 31, 2021 statewide. Those cases were then queried to check for an order granting/denying expungement documents (OFXG, OFXD, OEXG, OEXD, OG or OD) up until the date this report was generated, July 11, 2022. CourtNet was also queried for automatic expungement documents (OAE or DOE) entered statewide for the same timeframe.

1. Expungement for Felony Conviction

Expungement for class D felony convictions and executive pardons in KRS 431.073¹

The felony conviction expungement law (2016 HB40), which came into effect on July 15, 2016, created a process for the expungement of *class D felony convictions* and for offenses that receive executive pardons.

The felony conviction expungement process has three court documents:

- **AFEX** is used for the application for such expungements of felony convictions.
- **OFXG** is used when such expungements are granted
- **OFXD** is used when such expungements are denied

2. Expungement

Expungement of convictions for misdemeanor, violation and traffic infraction KRS 431.078²

Expungement of charges acquitted or dismissed *without prejudice* 431.076(1)(b) and

Expungement of felony charges in District Court not resulting in indictment 431.076 (1)(c)³

The process that allows petition for the expungement of conviction for certain misdemeanors or traffic violations and infractions (including dismissed or amended charges), for the expungement

¹ See KRS 431.073 (2016 HB 40) at <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=49358>

² See KRS 431.078 at <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=45221>

³ See KRS 431.076 (1)(b) & (c) <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=50191>

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of criminal offense charges acquitted or dismissed *without prejudice*, and for the expungement of felony charges in District Court not resulting in indictment.

- **PEXA** document applies to the expungement of a criminal charge that was not disposed as a conviction including felony charges in district court not resulting in indictment.
- **PEXC** pertains to expungement of a convicted misdemeanor, violation, or infraction.
- **PEX** prior code to PEXA and PEXC, may currently still be used erroneously.
- **OEXG/OEX** document is used to indicate the granting of either expungement petition.
- **OEXD** document is used to indicate the denial of either expungement petition.

3. Automatic Expungement

Automatic expungement process in KRS 431.076 (1)(a)⁴

The automatic expungement law (2020 HB 327), which came into effect on July 15, 2020, requires an automatic expungement of records upon the expiration of thirty (30 days) days after a court enters an order of acquittal of criminal charges against a person or enters an order dismissing *with prejudice* all criminal charges in a case against a person (not in exchange for a guilty plea to another charge), unless the person objects to the expungement. Traffic infractions not otherwise classified as a misdemeanor are not eligible for automatic expungement. A petition is not required by the person.

- **OAE** document is used when a charge is automatically expunged under KRS 431.076(1)(a).
- **DOE** document When a person objects to the automatic expungement process.

Expungement Process	Petition/Application Document Codes	Grant/Deny/Objection Document Codes
Expungement for Felony Convictions KRS 431.073	(AFEX) Application to Vacate and Expunge Felony Conviction	(OFXG) Order Felony Expungement Granted (OFXD) Order Felony Expungement Denied
Expungement for Convictions for misdemeanor, violation and traffic infraction KRS 431.078 , Charges acquitted or dismissed <i>without prejudice</i> KRS 431.076 (1)(b) , and Felony charges in District Court not resulting in indictment KRS 431.076(1)(c)	(PEXA) Petition to Expunge Acquittal (applies to charges acquitted, dismissed without prejudice, and felony charges in District Court not resulting in indictment).	(OEX) Order for Expungement (OEXG) Order Granting Expungement (OEXD) Order Denying Expungement
	(PEXC) Petition for Expungement of Conviction (Misdemeanor, Violation, or Traffic Infraction).	
	(PEX) Petition for Expungement prior code to PEXA and PEXC, may currently still be used erroneously.	

⁴ See KRS 431.076 (1)(a) (2020 HB 327) at <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=50191>

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Automatic Expungement KRS 431.076(1)(a) (applies to cases with all charges acquitted or dismissed with prejudice.)	No petition/application needs to be filed. Note: This process began in CY 2020 and will not appear in the count of petition documents for prior calendar years.	(OAE) Order Granting of Automatic Expungement (DOE) Order of Defendant’s Objection to Expungement
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Statistical Table (22_RS3007)

The statistical report provides counts of the expungement petition and order documents entered during the timeframe (1/1/2009 – 12/31/2021). Each table is sorted according to which expungement process is used (2016 HB40 Expungement, Automatic Expungement, or Other Expungement). Separate counts are provided for the total number of documents as well as the distinct number of cases.

Page 1 provides a statewide count for Circuit Court petition documents entered. (The automatic expungement process does not require the filing of a petition and will not appear in the count of petition documents.)

Page 2 provides a statewide count for District Court petition documents entered. (The automatic expungement process does not require the filing of a petition and will not appear in the count of petition documents.)

Page 3 provides a statewide count for expungements granted and denied in Circuit Court.

Page 4 provides a statewide count for expungements granted and denied in District Court.

Statistical Analysis Considerations:

- The statistics presented in the attached tables are a snapshot in time, as of July 11, 2022.
- The software used to record the filings of these document types does not contain any restrictions that the correct document type be used in relation to any given charge, and as such, some document types may be entered erroneously. For instance, many orders of OFXG or OFXD may be preceded by the petition used for the pre-HB 40 expungement process rather than the correct AFEX, leading to underreporting of petition documents. In other instances, an order granting or denying an expungement in a case may not be preceded by a petition document at all.
- When a case or charge is expunged, a process programmed within the software creates the appropriate ‘expungement granted’ document code. In some cases, this may result in duplicate entry when the documents are entered manually as well as processed automatically. For this reason, counts of granted expungements may be artificially high.
- A single expungement order of a felony conviction may apply to both a Circuit Criminal case and a District Felony case pertaining to the same defendant and incident.

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Data Variables Requested		
Database	Data Variable	Description
CourtNet	Calendar Year (CY)	The calendar year (January 1 through December 31) in which each document was entered. This report is for the timeframe of 1/1/2009 through 12/31/2021.
	Jurisdiction	The jurisdiction in which the case associated with a given document was entered (Circuit or District Court).
	Document Type	The type of document counted, indicated by code (see document type code descriptions above).
	Expungement Process	Distinguishes documents related to the various expungement processes available in Kentucky: <ol style="list-style-type: none"> 1. <u>Expungement for Felony Conviction</u> <ul style="list-style-type: none"> • Expungement for class D felony convictions and executive pardons in KRS 431.073 2. <u>Expungement</u> <ul style="list-style-type: none"> • Expungement of convictions for misdemeanor, violation and traffic infraction KRS 431.078 • Expungement of charges acquitted or dismissed <i>without prejudice</i> 431.076(1)(b) and • Expungement of felony charges in District Court not resulting in indictment 431.076 (1)(c) 3. <u>Automatic Expungement</u> <ul style="list-style-type: none"> • Automatic expungement process in KRS 431.076 (1)(a)
	Document Group	Distinguishes petition documents (AFEX, PEXA, PEXC), documents of expungement order granted (OFXG, OEXG, OAE), documents of expungement order denied (OFXD, OEXD) and objection to automatic expungement process (DOE).
	Documents	A count of the total number of documents entered.
	Cases	The total number of distinct cases referenced in any of these documents.

Disclaimer Associated with KCOJ/AOC Database(s) and Element(s)

RESEARCH AND STATISTICS DISCLAIMER

Information received from KYCourts/CourtNet is subject to change(s), reprogramming, modification(s) of format and availability at the direction of the Administrative Office of the Courts (AOC), and may not at any particular moment reflect the true status of court cases due to ordinary limitation(s), delay(s) or error(s) in the system's operation. The KYCourts/CourtNet database is not a real-time system. All datasets are a snapshot of case data at the time a query is run. Case counts are not counts of individuals as some persons may have multiple cases.

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The AOC disclaims any warranties as to the validity of the information obtained from KYCourts/CourtNet. The recipient is solely responsible for verifying information received from KYCourts/CourtNet through the cross-referencing of official court records. The AOC shall not be liable to the recipient, or to any third party using the system or information obtained therefrom, for any damages whatsoever arising out of the use of KYCourts/CourtNet.



ADMINISTRATIVE OFFICE OF THE COURTS
Research and Statistics
 Expungement Petition Documents 1/1/2009 - 12/31/2021
STATEWIDE

22_RS3007

CIRCUIT COURT

		2016 HB40 Expungements		Other Expungements			Grand Total	
		APPLICATION TO VACATE AND EXPUNGE FELONY CONVICTION	Total	PETITION FOR EXPUNGEMENT	PETITION FOR EXPUNGEMENT/ ACQUITTAL	PETITION FOR EXPUNGEMENT/ CONVICTION		Total
2009	Documents			67	194	58	319	319
	Cases			63	191	57	298	298
2010	Documents	1	1	50	242	69	361	362
	Cases	1	1	50	239	67	349	350
2011	Documents			64	309	67	440	440
	Cases			61	303	65	422	422
2012	Documents			54	309	91	454	454
	Cases			52	302	90	433	433
2013	Documents			46	317	93	456	456
	Cases			45	309	92	433	433
2014	Documents			29	263	67	359	359
	Cases			28	259	66	342	342
2015	Documents			43	363	79	485	485
	Cases			42	359	78	470	470
2016	Documents	713	713	55	526	202	783	1,496
	Cases	693	693	54	508	198	733	1,402
2017	Documents	721	721	41	919	234	1,194	1,915
	Cases	704	704	41	892	228	1,115	1,779
2018	Documents	564	564	21	922	211	1,154	1,718
	Cases	546	546	21	889	207	1,078	1,591
2019	Documents	777	777	34	1,110	239	1,383	2,160
	Cases	759	759	34	1,076	236	1,323	2,024
2020	Documents	1,090	1,090	23	1,102	253	1,378	2,468
	Cases	1,046	1,046	23	1,073	247	1,324	2,326
2021	Documents	866	866	48	935	181	1,164	2,030
	Cases	852	852	48	911	180	1,119	1,942
Total	Documents	4,732	4,732	575	7,511	1,844	9,930	14,662
	Cases	4,512	4,512	559	7,216	1,783	9,267	13,459

* Data is provided from the CourtNet database.

* Counts of cases should not be considered counts of individuals, as some individuals could be involved with multiple filed cases.

* The automatic expungement process does not require the filing of a petition and will not appear in the count of petition documents.

* The felony conviction expungement law (2016 HB40), which came into effect on July 15, 2016, created a process for the expungement of class D felony convictions and for offenses that receive executive pardons.

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DISTRICT COURT

		2016 HB40 Expungements		Other Expungements			Grand Total	
		APPLICATION TO VACATE AND EXPUNGE FELONY CONVICTION	Total	PETITION FOR EXPUNGEMENT	PETITION FOR EXPUNGEMENT/ ACQUITTAL	PETITION FOR EXPUNGEMENT/ CONVICTION	Total	
2009	Documents			1,022	4,215	1,093	6,330	6,330
	Cases			1,008	4,155	1,079	6,115	6,115
2010	Documents			1,528	4,679	1,464	7,671	7,671
	Cases			1,512	4,611	1,445	7,390	7,390
2011	Documents			659	5,879	2,023	8,561	8,561
	Cases			653	5,787	1,986	8,297	8,297
2012	Documents	1	1	2,230	4,204	1,980	8,414	8,415
	Cases	1	1	2,216	4,146	1,945	8,108	8,109
2013	Documents			2,500	4,368	1,980	8,848	8,848
	Cases			2,448	4,308	1,944	8,429	8,429
2014	Documents			2,236	2,775	1,270	6,281	6,281
	Cases			2,213	2,741	1,244	6,096	6,096
2015	Documents			2,844	4,279	1,414	8,537	8,537
	Cases			2,813	4,228	1,399	8,330	8,330
2016	Documents	12	12	2,117	4,476	2,434	9,027	9,039
	Cases	11	11	2,088	4,410	2,389	8,744	8,753
2017	Documents	9	9	624	6,468	4,265	11,357	11,366
	Cases	9	9	619	6,329	4,193	10,940	10,947
2018	Documents	3	3	471	6,875	4,271	11,617	11,620
	Cases	3	3	461	6,801	4,178	11,226	11,229
2019	Documents	17	17	460	8,414	4,681	13,555	13,572
	Cases	16	16	449	8,226	4,607	13,129	13,143
2020	Documents	34	34	427	7,225	4,555	12,207	12,241
	Cases	34	34	425	7,111	4,483	11,855	11,887
2021	Documents	27	27	323	4,986	3,425	8,734	8,761
	Cases	27	27	319	4,887	3,380	8,441	8,462
Total	Documents	103	103	17,441	68,843	34,855	121,139	121,242
	Cases	101	101	17,009	67,182	33,457	114,761	114,847

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CIRCUIT COURT

		2016 HB40 Expungements			Automatic Expungements		Other Expungements			Grand Total
		Expungement Granted	Expungement Denied	Total	Expungement Granted	Total	Expungement Granted	Expungement Denied	Total	
2009	Documents						1,275	86	1,361	1,361
	Cases						744	81	817	817
2010	Documents						1,544	100	1,644	1,644
	Cases						946	92	1,030	1,030
2011	Documents						1,600	124	1,724	1,724
	Cases						970	120	1,082	1,082
2012	Documents	1		1			1,846	127	1,973	1,974
	Cases	1		1			1,063	118	1,178	1,179
2013	Documents	3		3			1,880	97	1,977	1,980
	Cases	2		2			1,084	90	1,167	1,169
2014	Documents		1	1			1,276	84	1,360	1,361
	Cases		1	1			731	82	803	804
2015	Documents				1	1	1,828	109	1,937	1,938
	Cases				1	1	1,064	103	1,158	1,159
2016	Documents	440	36	476			2,162	136	2,298	2,774
	Cases	397	36	433			1,426	120	1,527	1,835
2017	Documents	898	93	991			1,339	91	1,430	2,421
	Cases	793	91	877			1,096	87	1,172	1,931
2018	Documents	620	62	682			1,437	104	1,541	2,223
	Cases	563	61	619			1,215	100	1,306	1,839
2019	Documents	667	62	729			1,478	75	1,553	2,282
	Cases	570	62	627			1,243	74	1,312	1,840
2020	Documents	1,104	71	1,175	84	84	1,632	93	1,725	2,984
	Cases	913	70	977	79	79	1,379	92	1,463	2,358
2021	Documents	956	56	1,012	2,271	2,271	1,485	65	1,550	4,833
	Cases	816	55	864	1,900	1,900	1,277	62	1,333	3,924
Total	Documents	4,689	381	5,070	2,356	2,356	20,782	1,291	22,073	29,499
	Cases	4,020	372	4,320	1,979	1,979	14,125	1,166	15,051	20,491

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DISTRICT COURT

		2016 HB40 Expungements			Automatic Expungements		Other Expungements			Grand Total
		Expungement Granted	Expungement Denied	Total	Expungement Granted	Total	Expungement Granted	Expungement Denied	Total	
2009	Documents	1		1			13,838	431	14,269	14,270
	Cases	1		1			10,567	407	10,931	10,932
2010	Documents						17,028	435	17,463	17,463
	Cases						13,951	427	14,348	14,348
2011	Documents				1	1	19,148	564	19,712	19,713
	Cases				1	1	15,937	554	16,421	16,422
2012	Documents						19,045	470	19,515	19,515
	Cases						14,531	457	14,931	14,931
2013	Documents						18,861	509	19,370	19,370
	Cases						15,212	501	15,652	15,652
2014	Documents						13,615	277	13,892	13,892
	Cases						11,110	266	11,350	11,350
2015	Documents						17,984	315	18,299	18,299
	Cases						14,612	303	14,871	14,871
2016	Documents	27		27			17,246	446	17,692	17,719
	Cases	27		27			14,424	436	14,809	14,829
2017	Documents	169	5	174			14,872	407	15,279	15,453
	Cases	164	5	169			13,653	401	13,986	14,115
2018	Documents	177	6	183			15,593	362	15,955	16,138
	Cases	164	6	170			14,370	357	14,683	14,826
2019	Documents	193	5	198			15,212	281	15,493	15,691
	Cases	186	5	191			13,900	276	14,152	14,303
2020	Documents	207	4	211	2,911	2,911	14,589	196	14,785	17,907
	Cases	205	4	209	2,864	2,864	13,342	194	13,518	16,539
2021	Documents	244	3	247	10,455	10,455	13,605	182	13,787	24,489
	Cases	240	3	243	9,867	9,867	12,417	182	12,583	22,496
Total	Documents	1,018	23	1,041	13,367	13,367	210,636	4,875	215,511	229,919
	Cases	987	23	1,010	12,720	12,720	177,536	4,645	180,881	194,237

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