

## National State Law Survey: Expungement and Vacatur Laws

State <sup>1</sup>	Is expungement or sealing permitted for juvenile delinquency records? <sup>2</sup>	Does state law contain a vacatur provision that could apply to victims of human trafficking?	Does the vacatur provision apply to juvenile delinquency adjudications?	Are prostitution and other offenses related to trafficking victimization eligible?	Is vacatur available without a waiting period?	Are vacatur and expungement available within a single proceeding?	Summary
Alabama	Yes*	No	N/A	N/A	N/A	N/A	No vacatur. Record destruction is only available after a minimum 5 year waiting period and excludes any felony or a misdemeanor involving sexual offenses, drugs, weapons, violence, or threats of violence.
Alaska	Yes*	No	N/A	N/A	N/A	N/A	No vacatur. Records may be sealed, but sealed records may be used for good cause shown or in making a presentencing report.
Arizona	Yes*	<b>Yes</b> ; Ariz. Rev. Stat. Ann. § 13-909 (Vacating the conviction of a sex trafficking victim; requirements)	<b>No</b> ; the vacatur law applies to convictions, and Ariz. Rev. Stat. Ann. § 8-207(A) (Order of adjudication; noncriminal; use as evidence) states, “an order of the juvenile court in proceedings under this chapter shall	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications. Expungement is available after the minor turns 18 or 25, depending on the offense.

			not be deemed a conviction of a crime . . . .”				
Arkansas	Yes	No	N/A	N/A	N/A	N/A	No vacatur, but certain juvenile records may be expunged without a waiting period.
California	Yes	<b>Yes</b> ; Cal. Penal Code § 236.14 (Petition for vacatur relief of arrest for or conviction of nonviolent offense committed while victim of human trafficking)	<b>Yes</b> ; the vacatur law applies specifically to adjudications.	Yes (non-violent)	Yes	Yes	Vacatur law applies to adjudications for any non-violent offense and does not mandate a waiting period; record expungement is automatic upon granting vacatur.
Colorado	Yes	No	N/A	N/A	N/A	N/A	No vacatur, but certain records may be expunged automatically.
Connecticut	Yes	<b>Yes</b> ; Conn. Gen. Stat. § 54-95c (Application to vacate prostitution conviction on basis of being a victim of trafficking in persons. Prosecutor’s response. Court order.)	<b>No</b> ; the vacatur law applies specifically to convictions and does not appear to allow vacatur of delinquency adjudications.	N/A	N/A	N/A	Vacatur law does not clearly extend to delinquency adjudications. Records may be expunged without a waiting period under the general expungement law.
Delaware	Yes	<b>Yes</b> ; Del. Code Ann. tit. 11, § 787 (Trafficking an individual, forced labor and sexual servitude; class D felony; class C	<b>Yes</b> ; the vacatur law applies to convictions, but notes that a motion to vacate may be brought in the Family Court, which has “exclusive original” civil	Yes (nonviolent offenses)	Yes	Yes	Vacatur law applies to adjudications for nonviolent offenses and allows a minor to request expungement in the same motion; no waiting period.

<sup>1</sup> Evaluations of state laws are based on legislation enacted as of August 1, 2019. For related policy goals, background information, and select statute highlights, please visit [http://sharedhope.org/wp-content/uploads/2015/11/Issue\\_Briefs/Issue\\_Briefs\\_5.9.pdf](http://sharedhope.org/wp-content/uploads/2015/11/Issue_Briefs/Issue_Briefs_5.9.pdf).

<sup>2</sup> Responses marked with an asterisk (\*) denotes a waiting period for record expungement.

		felony; class B felony; class A felony)	jurisdiction concerning most delinquency proceedings. <sup>3</sup>				
DC	Yes*	Yes; D.C. Code § 22-1844 (Motion to vacate conviction or expunge criminal records for victims of trafficking)	No; the vacatur law applies to convictions, and D.C. Code § 16-2318 (Order of adjudication noncriminal) states that an “order of adjudication, or order of disposition in a proceeding under [the delinquency subchapter] is not a conviction of a crime . . . .”	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications. Records may be sealed after a waiting period, but a subsequent adjudication or a subsequent conviction of a felony will nullify the sealing order.
Florida	Yes	Yes <sup>4</sup> ; Fla. Stat. Ann. § 943.0583 (Human trafficking victim expunction)	Yes; the expungement law applies to criminal history records and specifically refers to those belonging to a minor.	Yes (non-violent)	Yes	Yes	Expungement law applies to adjudications for any non-violent offense and does not mandate a waiting period; vacatur is automatic upon granting expungement.
Georgia	Yes	Yes; Ga. Code Ann. § 15-11-32 (Modification or vacation of orders; retroactive application)	Yes; the vacatur law specifically applies to delinquency adjudications that “resulted from the child being: (1) Trafficked for sexual servitude in violation of Code Section 16-5-46 [Trafficking of persons for labor or sexual servitude]; or (2) A victim of sexual exploitation as defined in Code Section 49-5-40 [Definitions; confidentiality of	No (sexual crimes only)	Yes	No	Vacatur law applies to delinquency adjudications and does not mandate a waiting period, but relief applies only to sexual crimes. Record expungement is also available.

<sup>3</sup> Note, however, Del. Code Ann. tit. 10, § 1009 (Adjudication; disposition following adjudication; commitment to custody of Department of Services for Children, Youth and Their Families; effect), which states, “no adjudication upon the status of a child shall be deemed a conviction . . . .” Some exceptions are provided for in that statute, but the exceptions apply only to that section, which is in a different title than the vacatur law.

<sup>4</sup> Although Fla. Stat. Ann. § 943.0583 (Human trafficking victim expunction) is an expungement statute, an expunged conviction “is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings.” Fla. R. Crim. P. 3.989 (Affidavit, Petition, and Order to Expunge or Seal Forms).

			records; restricted access to records].”				
Hawaii	No <sup>5</sup>	Yes; Haw. Rev. Stat. Ann. § 712-1209.6 (Prostitution; motion to vacate conviction)	No; the vacatur law applies to convictions, and Haw. Rev. Stat. Ann. § 571-1 (Construction and purpose of chapter) states, “the court shall conduct all proceedings to the end that no adjudication by the court of the status of any child under this chapter shall be deemed a conviction . . . .”	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications, and only records of arrest may be expunged.
Idaho	Yes*	Yes; Idaho Code Ann. § 67-3014 (Ability to petition to vacate and/or expunge criminal history records for victims of human trafficking)	No; the vacatur law applies to convictions, and it is unclear whether a delinquency adjudication <sup>6</sup> could be included within the definition of “conviction.”	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications. Expungement is available after a minimum 1 to 5 year waiting period.
Illinois	Yes*	Yes; 725 Ill. Comp. Stat. Ann. 5/116-2.1 (Motion to vacate prostitution convictions for sex trafficking victims)	No; the vacatur law applies specifically to convictions and 705 Ill. Comp. Stat. Ann. 405/1-8 (Confidentiality and accessibility of juvenile court records) states, “a juvenile adjudication shall never be considered a conviction . . . .”	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications. Except under limited circumstances, expungement is only available after a 2 year waiting period.
Indiana	Yes	Yes; Ind. Code Ann. § 31-37-22-11 (Jurisdiction	Yes; the vacatur laws applies specifically to	Yes (non-violent)	Yes	No	Vacatur law applies to adjudications and does not mandate a waiting

<sup>5</sup> Haw. Rev. Stat. Ann. § 571-88 (Orders expunging juvenile arrest records) allows for expungement of juvenile arrest records only, not those related to juvenile delinquency adjudications.

<sup>6</sup> Idaho Code Ann. § 20-502 (Definitions) defines “juvenile offender” as “a person under the age of eighteen (18) at the time of any act, omission or status and who has been adjudicated as being within the purview of this chapter [Juvenile Corrections Act]. The statute does not define the term “adjudication.”

		over petitions to expunge records of child alleged to be a delinquent child or child in need of services)	delinquency adjudications.				period, but requires coercion or control by another person. Records may be expunged without a waiting period under the general expungement statute.
Iowa	Yes*	No	N/A	N/A	N/A	N/A	No vacatur. Expungement is available to child sex trafficking victims adjudicated for prostitution after a 2 year waiting period.
Kansas	Yes	No	N/A	N/A	N/A	N/A	No vacatur. Expungement is available without a waiting period if the minor was a child sex trafficking or CSEC victim.
Kentucky	Yes*	Yes; Ky. Rev. Stat. Ann. § 610.330 (Expungement of juvenile court records)	Yes; the expungement law specifically allows delinquency adjudications to be vacated.	Yes	No (2 year)	Yes	Vacatur and expungement are available for prostitution and other offenses, but only after a 2 year waiting period.
Louisiana	Yes	Yes; La. Child. Code Ann. art. 923 (Expungement of adjudications involving human trafficking victims)	Yes; the vacatur law applies specifically to adjudications.	No (prostitution-related only)	Yes	Yes	Vacatur law applies to adjudications, does not mandate a waiting period, and makes expungement automatic upon granting vacatur. However, it applies only to prostitution-related offenses.
Maine	Yes*	No	N/A	N/A	N/A	N/A	No vacatur. Records may be sealed after a 3 year waiting period, but sealed records may still be accessed by courts, criminal justice agencies, and the Victim's Compensation Board.
Maryland	Yes*	Yes; Md. Code Ann., Crim. Proc. § 8-302 (Motion to vacate	No; the vacatur law applies specifically to convictions and does not appear to allow	N/A	N/A	N/A	Vacatur law does not clearly extend to delinquency adjudications. Records may be expunged

		judgment for acts of prostitution committed under duress)	vacatur of delinquency adjudications.				after a minimum 2 year waiting period, but only if several other conditions are also met.
Massachusetts	Yes*	<b>Yes;</b> Mass. Gen. Laws ch. 265, § 59 (Human trafficking—Victim participation in crime—Motion to vacate)	<b>Yes;</b> the vacatur law applies specifically to adjudications.	Yes	Yes	No	Vacatur law applies to adjudications for prostitution and other offenses without a waiting period. Records may be sealed after a 3 year waiting period or expunged after a 3 or 7 year waiting period, depending on the offense.
Michigan	Yes*	<b>Yes;</b> Mich. Comp. Laws Ann. § 712A.18e (Application for entry of order setting aside adjudication; filing)	<b>Yes;</b> the vacatur law applies specifically to adjudications.	Yes	No (1 year)	Yes	Vacatur law applies to adjudications and related records are automatically sealed upon granting vacatur. However, the vacatur law mandates a minimum 1 year waiting period. Further, only prostitution-related offenses may be vacated as a right; vacatur of other offenses is a conditional privilege.
Minnesota	Yes	No	N/A	N/A	N/A	N/A	No vacatur. Expungement is available without a waiting period.
Mississippi	Yes*	<b>Yes;</b> Miss. Code Ann. § 97-3-54.6 (Human Trafficking Act; injunctive and other relief for victims of trafficking; confidentiality)	<b>No;</b> the vacatur law applies to convictions, and Miss. Code Ann. § 43-21-561 (Adjudication of status, standard of proof, and findings) states, “no adjudication upon the status of any child shall . . . be deemed a conviction.”	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications, but juvenile records may be sealed after a waiting period or destroyed at the court’s discretion.
Missouri	Yes*	<b>Yes;</b> Mo. Rev. Stat. § 610.131 (Expungement of juvenile	<b>No;</b> the vacatur law applies specifically to convictions and does not clearly allow	N/A	N/A	N/A	Vacatur law does not clearly extend to delinquency adjudications, but court records may be

		prostitution records involving expungement)	vacatur of delinquency adjudications.				sealed after the minor turns 18.
Montana	Yes*	Yes; Mont. Code Ann. § 46-18-608 (Motion to vacate conviction—human trafficking victims)	No; the vacatur law applies to convictions, and Mont. Code Ann. § 41-5-103 (Definitions) distinguishes between “criminally convicted youth” who have been convicted in a district court for certain offenses and “delinquent youth” who have been adjudicated in the youth court. Because the terms conviction and adjudication have different meanings, delinquency adjudications will not be eligible for vacatur.	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications, but records may be sealed and destroyed after waiting periods.
Nebraska	Yes	Yes; Neb. Rev. Stat. Ann. § 29-3005 (Victim of sex trafficking; motion to set aside conviction or adjudication; procedure; court; findings; considerations; hearing; order; effect)	Yes; the vacatur law applies specifically to adjudications.	Yes	Yes	No	Vacatur law applies to adjudications for prostitution and other offenses without a waiting period. Records may be sealed without a waiting period.
Nevada	Yes	Yes; Enacted Senate Bill 368, § 4	Yes; the vacatur law applies specifically to adjudications.	Yes	Yes	Yes	Vacatur law applies to adjudications for prostitution and other offenses without a waiting period. Records may be sealed automatically upon granting vacatur.
New Hampshire	Yes*	Yes; N.H. Rev. Stat. Ann. § 633:7	Yes; the vacatur law applies specifically to adjudications.	Yes	Yes	No	Vacatur law applies to adjudications for prostitution and other

		(Trafficking in persons)					offenses without a waiting period. but records will only be closed and made inactive after a minor turns 21.
New Jersey	Yes*	Yes; N.J. Stat. Ann. § 2C:44-1.1 (Certain convictions vacated expunged)	No; the vacatur law applies specifically to convictions and does not appear to allow vacatur of delinquency adjudications.	N/A	N/A	N/A	Vacatur law does not clearly extend to delinquency adjudications, but juvenile records may be expunged after a 3 year waiting period.
New Mexico	Yes*	Yes <sup>7</sup> ; N.M. Stat. Ann. § 32A-3B-21 (Expungement of records)	Yes; the vacatur law applies specifically to petitions filed under the Children’s Code, which includes those related to delinquency.	Yes	No (2 years)	Yes	Vacatur law applies to adjudications and makes expungement automatic upon granting vacatur, but mandates a 2 year waiting period.
New York	Yes*	Yes; N.Y. Crim. Proc. Law § 440.10 (Motion to vacate judgment)	No; the vacatur law applies specifically to convictions and does not appear to allow vacatur of delinquency adjudications.	N/A	N/A	N/A	Vacatur law does not clearly extend to delinquency adjudications. Expungement is available, generally, but New York law does not provide further guidance. Records may be sealed after a waiting period.
North Carolina	Yes*	Yes; N.C. Gen. Stat. § 15A-1416.1 (Motion by the defendant to vacate prostitution conviction for sex trafficking victim)	No; the vacatur law applies to convictions, and N.C. Gen. Stat. 7B-2412 (Legal effect of adjudication of delinquency) states, “An adjudication that a juvenile is delinquent . . . shall neither be considered conviction of any criminal offense nor cause the juvenile to forfeit any citizenship right.”	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications. Expungement is available after the minor turns 18.
North Dakota	Yes*	Yes; N.D. Cent. Code § 12.1-41-	No; the vacatur law applies to convictions,	N/A	N/A	N/A	Vacatur law does not apply to delinquency

<sup>7</sup> Although not specific to human trafficking, N.M. Stat. Ann.c 32A-3B-21 (Expungement of records) allows a court to vacate its findings, orders, and judgements when the minor has been the subject of a petition under the Children’s Code.



		14 (Motion to vacate and expunge conviction)	and N.D. Cent. Code § 27-20-33 (Order of adjudication— Noncriminal) states, “An order of disposition or other adjudication in a proceeding under this chapter [Uniform Juvenile Court Act] is not a conviction of a crime . . . .”				adjudications, and juvenile records may only be expunged after a minimum 1 to 10 year waiting period, depending on the nature of the records.
Ohio	Yes	<b>Yes</b> <sup>8</sup> ; Ohio Rev. Code Ann. § 2151.358 (Expungement of records)	<b>Yes</b> ; the expungement law applies specifically to adjudications.	No (prostitution-related only)	Yes	Yes	Expungement law applies to adjudications, does not mandate a waiting period, and makes vacatur automatic upon granting expungement, but applies to prostitution-related offenses only.
Oklahoma	Yes*	No	N/A	N/A	N/A	N/A	No vacatur. Expungement is available but only after the records has been sealed for 10 years.
Oregon	Yes	<b>Yes</b> ; Or. Rev. Stat. § 137.221 (Vacation of judgment of conviction for prostitution)	<b>No</b> ; the vacatur law applies specifically to convictions and does not appear to allow vacatur of delinquency adjudications.	N/A	N/A	N/A	Vacatur law does not clearly extend to delinquency adjudications. Expungement of prostitution-related records is available without a waiting period; other records may be expunged after 5 years.
Pennsylvania	Yes*	<b>Yes</b> ; 18 Pa. Cons. Stat. § 3019 (Victim protection during prosecution)	<b>No</b> ; the vacatur law applies to convictions, and 42 Pa. Cons. Stat. § 6354 (Effect of adjudication) states, “An order of disposition or other adjudication in a proceeding under this	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications, but juvenile records may be expunged after a waiting period.

<sup>8</sup> Ohio Rev. Code Ann. § 2151.358 is an expungement statute, but procedure is governed by Ohio Rev. Code Ann. § 2953.38, its adult equivalent, which provides that, upon record expungement, the conviction shall be expunged. Ohio Rev. Code Ann. § 2953.38(G)(2).

			chapter [Juvenile Matters] is not a conviction of crime . . .”				
Rhode Island	Yes	Yes; R.I. Gen. Laws Ann. § 11-67.1-17 (Motion to vacate and expunge conviction)	No; the vacatur law applies to convictions, and R.I. Gen Laws Ann. § 14-1-40(a) (Adjudication not having effect of conviction) states that an adjudication shall not be deemed a conviction.	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications, but juvenile records may be sealed without a waiting period.
South Carolina	Yes*	Yes; S.C. Code Ann. § 16-3-2020 (Trafficking in persons; penalties; defenses)	No; the vacatur law applies to convictions, and S.C. Code Ann. § 63-19-1410 (Adjudication) states, “No adjudication by the court of the status of a child is a conviction . . .”	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications. Expungement is available after a minimum 5 year waiting period or after a minor turns 17.
South Dakota	Yes*	Yes; S.D. Codified Laws § 26-7A-115.1 (Expungement of delinquency record of victim of human trafficking or sexual exploitation)	Yes; the expungement law applies specifically to adjudications.	Yes	No (upon turning 18)	Yes	Expungement law applies to adjudications for any offense related to trafficking victimization or sexual exploitation and makes vacatur automatic upon granting expungement, but mandates a waiting period.
Tennessee	Yes	Yes; Tenn. Code Ann. § 40-32-105 (Expungement of person’s public records involving offenses related to status as victim of human trafficking)	No; the vacatur law applies to convictions, and Tenn. Code Ann. § 37-1-133 (Order of adjudication— Noncriminal) states, “An order of disposition or other adjudication in a proceeding under this part is not a conviction of a crime . . .”	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications. Juvenile records for prostitution may be expunged immediately; other records may only be expunged after a waiting period except at the court’s discretion.

Texas	Yes	Yes <sup>9</sup> ; Tex. Fam. Code Ann. § 58.258 (Order sealing records); Tex. Fam. Code Ann. § 54.04012 (Trafficked Persons Program)	Yes; the sealing laws apply specifically to adjudications.	Yes	No (unless completed a trafficked persons program)	Yes	Juvenile records may be sealed immediately upon completion of a trafficked persons program or after a waiting period; sealing a record results in automatic vacatur.
Utah	Yes	Yes; Utah Code Ann. § 78A-6-1114 (Vacatur of conviction)	Yes; the vacatur law applies specifically to adjudications.	Yes	Yes	Yes	Vacatur law applies to adjudications and does not mandate a waiting period, <b>but requires proof of force, fraud, or coercion for non-prostitution-related offenses.</b> Records will be sealed automatically upon granting vacatur.
Vermont	Yes*	Yes; Vt. Stat. Ann. tit. 13, § 2658 (Prostitution conviction; motion to vacate by victim of human trafficking)	No; the vacatur law applies to convictions, and Vt. Stat. Ann. tit. 33, § 5202 (Order of adjudication; noncriminal) states, “An order of the Family Division of the Superior Court in proceedings under this chapter [Delinquency Proceedings] shall not . . . be deemed a conviction of crime . . . .”	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications. Records may be sealed after a waiting period.
Virginia	Yes*	No	N/A	N/A	N/A	N/A	No vacatur. Expungement is available after a minor turns 19 if at least 5 years have elapsed.
Washington	Yes*	Yes; Wash. Rev. Code Ann. § 9.96.060 (Misdemeanor or gross misdemeanor offenses, persons	Yes; the vacatur law applies to convictions, but Wash. Rev. Code Ann. § 9.96.070 (Vacating records of conviction—Prostitution offenses)	No (prostitution only)	Yes	No	Vacatur law applies to delinquency adjudications without a waiting period, but limits relief to prostitution offenses and does not make expungement automatic

<sup>9</sup> Tex. Fam. Code Ann. § 58.258 and § 54.04012 govern the sealing of juvenile records, but the underlying adjudication is automatically vacated upon entry of an order to seal records.

		convicted of prostitution who committed the offense as a result of being a victim of trafficking, promoting prostitution in the first degree, promoting commercial sexual abuse of a minor, or trafficking in persons, or of violating a certain statute or rule regarding the regulation of fishing—Vacating records)	notes the statute’s applicability to minors.				upon granting vacatur. Juvenile records may be sealed after a waiting period—only records relating to diversion will be expunged.
West Virginia	Yes*	Yes; W. Va. Code Ann. § 61-14-9 (Petition to vacate and expunge convictions of sex trafficking victim)	No; the vacatur law applies to convictions, and W. Va. Code Ann. § 49-4-103 (Proceedings may not be evidence against child, or be published; adjudication is not a conviction and not a bar to civil service eligibility) states that an adjudication shall not be deemed a conviction.	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications. Records may be moved to a separate secure confidential place after a minimum 1 year waiting period.
Wisconsin	Yes	Yes; Wis. Stat. Ann. § 973.015 (Special disposition)	Yes; the vacatur law expressly applies to delinquent adjudications.	No (prostitution only)	Yes	Yes	Vacatur law applies to delinquency adjudications without a waiting period and allows expungement to be ordered in the same proceeding, but limits relief to prostitution offenses.
Wyoming	Yes*	Yes; Wyo. Stat. Ann. § 6-2-708 (Victim defenses;	No; the vacatur law applies to convictions, and Wyo. Stat. Ann. §	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications, and juvenile

		vacating convictions)	14-6-238 (Proceedings deemed in equity; effect of orders and decrees) states in part, "No order or decree pursuant to this act [Juvenile Justice Act] shall be deemed a conviction of a crime . . . ."				records may only be expunged after a minor turns 18.
<b>Totals:</b>	<b>49 states &amp; DC</b> allow for expungement or sealing of juvenile delinquency records.	<b>40 states &amp; DC</b> have vacatur laws that could apply to victims of human trafficking.	<b>19</b> of those vacatur laws apply to juvenile delinquency adjudications.	<b>14</b> apply to prostitution and other offenses resulting from a minor's trafficking victimization.	<b>14</b> do not mandate waiting periods.	<b>13</b> make record expungement or sealing automatic upon granting vacatur (or vice versa).	<b>2</b> requires force, fraud, or coercion.