

## 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. § 13-907.01 (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 not be deemed a conviction of a crime . . .”	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.
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	<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;

<sup>1</sup> Evaluations of state laws are based on legislation enacted as of August 1, 2017. 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.

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		arrest for or conviction of nonviolent offense committed while victim of human trafficking)					record expungement is automatic upon granting vacatur.
<b>Colorado</b>	Yes	No	N/A	N/A	N/A	N/A	No vacatur, but certain records may be expunged automatically.
<b>Connecticut</b>	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>Yes</b> ; the vacatur law applies to convictions, and Conn. Gen. Stat. § 46b-120 (Definitions) states that a child is "convicted" as delinquent.	No (prostitution only)	Yes	No	Vacatur law applies to adjudications and does not mandate a waiting period, but applicability is limited to prostitution offenses. Records may be expunged without a waiting period under the general expungement law.
<b>Delaware</b>	Yes*	<b>Yes</b> ; Del. Code Ann. tit. 11, § 787 (Trafficking an individual, forced labor and sexual servitude; class D felony; class C felony; class B felony; class A felony)	<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 jurisdiction concerning most delinquency proceedings. <sup>3</sup>	Yes (prostitution, loitering, and obscenity)	No (2 years)	Yes	Vacatur law applies to adjudications for prostitution, loitering, and obscenity and allows a minor to request expungement in the same motion, but it mandates a minimum 2 year waiting period.
<b>DC</b>	Yes*	No	N/A	N/A	N/A	N/A	No vacatur. Records may be sealed after a waiting period, but a subsequent adjudication or a subsequent conviction of a felony will nullify the sealing

<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.

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<b>Florida</b>	Yes	<b>Yes</b> <sup>4</sup> ; Fla. Stat. Ann. § 943.0583 (Human trafficking victim expunction)	<b>Yes</b> ; the expungement law applies to criminal history records and specifically refers to those belonging to a minor.	Yes (non-violent)	Yes	Yes	order. Expungement law applies to adjudications for any non-violent offense and does not mandate a waiting period; vacatur is automatic upon granting expungement.
<b>Georgia</b>	Yes	<b>Yes</b> ; Ga. Code Ann. § 15-11-32 (Modification or vacation of orders; retroactive application)	<b>Yes</b> ; 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 records; restricted access to records].”	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.
<b>Hawaii</b>	No <sup>5</sup>	<b>Yes</b> ; Haw. Rev. Stat. Ann. § 712-1209.6 (Prostitution; motion to vacate conviction)	<b>No</b> ; 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.

<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).

<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.

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<b>Idaho</b>	Yes*	<b>Yes;</b> Idaho Code Ann. § 67-3014 (Ability to petition to vacate and/or expunge criminal history records for victims of human trafficking)	<b>No;</b> 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.
<b>Illinois</b>	Yes*	<b>Yes;</b> 725 Ill. Comp. Stat. Ann. 5/116-2.1 (Motion to vacate prostitution convictions for sex trafficking victims)	<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 is available after the minor attains a specified age or after a 5 year waiting period, depending on the type and nature of the offense.
<b>Indiana</b>	Yes	<b>Yes;</b> Ind. Code Ann. § 31-37-22-11 (Jurisdiction over petitions to expunge records of child alleged to be a delinquent child or child in need of services)	<b>Yes;</b> the vacatur laws applies specifically to delinquency adjudications.	Yes (non-violent)	Yes	No	Vacatur law applies to adjudications and does not mandate a waiting period, <b>but requires coercion or control by another person.</b> Records may be expunged without a waiting period under the general expungement statute.
<b>Iowa</b>	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.
<b>Kansas</b>	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.

<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."

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<b>Kentucky</b>	Yes*	<b>Yes;</b> Ky. Rev. Stat. Ann. § 610.330 (Expungement of juvenile court records)	<b>Yes;</b> 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.
<b>Louisiana</b>	Yes	<b>Yes;</b> La. Child. Code Ann. art. 923 (Expungement of adjudications involving human trafficking victims)	<b>Yes;</b> 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.
<b>Maine</b>	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.
<b>Maryland</b>	Yes*	<b>Yes;</b> Md. Code Ann., Crim. Proc. § 8-302 (Motion to vacate judgment for acts of prostitution committed under duress)	<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 after a minimum 2 year waiting period, but only if several other conditions are also met.
<b>Massachusetts</b>	Yes*	No	N/A	N/A	N/A	N/A	No vacatur. Records may be sealed after a 3 year waiting period.
<b>Michigan</b>	Yes*	<b>Yes;</b> Mich. Comp. Laws Ann. § 712A.18e (Application for entry of order setting aside adjudication;	<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

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		filing)					may be vacated as a right; vacatur of other offenses is a conditional privilege.
<b>Minnesota</b>	Yes	No	N/A	N/A	N/A	N/A	No vacatur. Expungement is available without a waiting period.
<b>Mississippi</b>	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.
<b>Missouri</b>	Yes*	No	N/A	N/A	N/A	N/A	No vacatur, but court records may be sealed after the minor turns 17.
<b>Montana</b>	Yes*	<b>Yes</b> ; Mont. Code Ann. § 46-18-608 (Motion to vacate conviction—human trafficking victims)	<b>No</b> ; 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.
<b>Nebraska</b>	Yes	No	N/A	N/A	N/A	N/A	No vacatur. Records may be sealed without a waiting period, but can be inspected

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							by law enforcement, county attorneys, judges, DHS, and others.
<b>Nevada</b>	Yes*	<b>Yes</b> ; Enacted Assembly Bill 243, § 1.2	<b>No</b> ; the vacatur law applies to convictions, and Nev. Rev. Stat. Ann. § 62E.010 (Adjudication is not conviction and does not impose civil disabilities; exceptions) states, “any adjudication is not a conviction . . . .”	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications. Records may be sealed after a waiting period, but sealed records can be accessed for a number of purposes.
<b>New Hampshire</b>	Yes*	<b>Yes</b> ; N.H. Rev. Stat. Ann. § 633:7 (Trafficking in persons)	<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, but records will be closed and made inactive after a minor turns 21.
<b>New Jersey</b>	Yes*	<b>Yes</b> ; N.J. Stat. Ann. § 2C:44-1.1 (Certain convictions vacated expunged)	<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, but juvenile records may be expunged after a 5 year waiting period.
<b>New Mexico</b>	Yes*	<b>Yes</b> <sup>7</sup> ; N.M. Stat. Ann. § 32A-3B-21 (Expungement of records)	<b>Yes</b> ; 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.
<b>New York</b>	Yes*	<b>Yes</b> ; N.Y. Crim. Proc. Law § 440.10 (Motion to vacate judgment)	<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 is available, generally, but New York law does not provide further guidance. Records may be sealed after a waiting period.
<b>North Carolina</b>	Yes*	<b>Yes</b> ; N.C. Gen.	<b>No</b> ; the vacatur law	N/A	N/A	N/A	Vacatur law does not apply to

<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.

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		Stat. § 15A-1416.1 (Motion by the defendant to vacate prostitution conviction for sex trafficking victim)	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.”				delinquency adjudications. Expungement is available after the minor turns 18 if at least 18 months have elapsed.
<b>North Dakota</b>	Yes*	<b>Yes</b> ; N.D. Cent. Code § 12.1-41-14 (Motion to vacate and expunge conviction)	<b>No</b> ; the vacatur law applies to convictions, 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 . . . .”	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications, and juvenile records may only be expunged after a minimum 1 to 10 year waiting period, depending on the nature of the records.
<b>Ohio</b>	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.
<b>Oklahoma</b>	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.
<b>Oregon</b>	Yes	<b>Yes</b> ; Enacted Senate Bill 249, § 1	<b>No</b> ; 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. Expungement of prostitution-related records is

<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).



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			vacatur of delinquency adjudications.				available without a waiting period; other records may be expunged after 5 years.
<b>Pennsylvania</b>	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 chapter [Juvenile Matters] is not a conviction of crime . . . .”	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications, but juvenile records may be expunged after a waiting period.
<b>Rhode Island</b>	Yes	<b>Yes</b> ; R.I. Gen. Laws Ann. § 11-67.1-17 (Motion to vacate and expunge conviction)	<b>No</b> ; 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.
<b>South Carolina</b>	Yes*	<b>Yes</b> ; S.C. Code Ann. § 16-3-2020 (Trafficking in persons; penalties; defenses)	<b>No</b> ; 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.
<b>South Dakota</b>	Yes*	No	N/A	N/A	N/A	N/A	No vacatur. Records may be sealed after a 1 year waiting period, but can be used by the state attorney and court service officers.
<b>Tennessee</b>	Yes*	No	N/A	N/A	N/A	N/A	No vacatur. Juvenile records may only be expunged after a waiting period except at the court’s discretion.

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<b>Texas</b>	Yes	<b>Yes</b> <sup>9</sup> ; Tex. Fam. Code Ann. § 58.003 (Sealing of records)	<b>Yes</b> ; the sealing law applies specifically to adjudications.	Yes	No (unless completed a trafficked persons program)	Yes	Records related to delinquent conduct may be sealed immediately upon completion of a trafficked persons program or after a waiting period; sealing a record results in automatic vacatur. Expungement is available under narrow circumstances.
<b>Utah</b>	Yes*	<b>Yes</b> ; Utah Code Ann. § 78B-9-104 (Grounds for relief—Retroactivity of rule)	<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, but expungement is available after the minor turns 18 if at least 1 year has elapsed.
<b>Vermont</b>	Yes*	<b>Yes</b> ; Vt. Stat. Ann. tit. 13, § 2658 (Prostitution conviction; motion to vacate by victim of human trafficking)	<b>No</b> ; 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.
<b>Virginia</b>	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.
<b>Washington</b>	Yes*	<b>Yes</b> ; Wash. Rev. Code Ann. § 9.96.060 (Misdemeanor or gross misdemeanor offenses,	<b>Yes</b> ; 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 upon granting vacatur. Juvenile

<sup>9</sup> Tex. Fam. Code Ann. § 58.003 governs the sealing of juvenile records, but the underlying adjudication is automatically vacated upon entry of an order to seal records.

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		persons 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.				records may be sealed after a waiting period—only records relating to diversion will be expunged.
<b>West Virginia</b>	Yes*	<b>Yes</b> ; W. Va. Code Ann. § 61-14-9 (Petition to vacate and expunge convictions of sex trafficking victim)	<b>No</b> ; 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.
<b>Wisconsin</b>	Yes	<b>Yes</b> ; Wis. Stat. Ann. § 973.015 (Special disposition)	<b>Yes</b> ; 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

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							proceeding, but limits relief to prostitution offenses.
<b>Wyoming</b>	Yes*	<b>Yes;</b> Wyo. Stat. Ann. § 6-2-708 (Victim defenses; vacating convictions)	<b>No;</b> the vacatur law applies to convictions, and Wyo. Stat. Ann. § 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 . . .”	N/A	N/A	N/A	Vacatur law does not apply to delinquency adjudications, and juvenile 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>35 states</b> have vacatur laws that could apply to victims of human trafficking.	<b>14</b> of those vacatur laws apply to juvenile delinquency adjudications.	<b>8</b> apply to prostitution and other offenses resulting from a minor’s trafficking victimization.	<b>9</b> do not mandate waiting periods.	<b>10</b> make record expungement or sealing automatic upon granting vacatur (or vice versa).	<b>1</b> requires force, fraud, or coercion by another person.