

EXPUNGEMENT CLINIC

ORGANIZED BY LAW STUDENTS IN COURT

DC §16-801(9) "Ineligible misdemeanor" means:

(A) Interpersonal violence as defined in § 16-1001(6)(B), intimate partner violence as defined in § 16-1001(7), and intrafamily violence as defined in § 16-1001(9).

(B) Driving while intoxicated, driving under the influence, and operating while impaired (§ 50-2201.05);

(C) A misdemeanor offense for which sex offender registration is required pursuant to Chapter 40 of Title 22, whether or not the registration period has expired;

(D) Criminal abuse of a vulnerable adult (§ 22-936(a));

(E) Interfering with access to a medical facility (§ 22-1314.02);

(F) Possession of a pistol by a convicted felon (§ 22-4503(a)(2) [see now § 22-4503(a)(1)]);

(G) Failure to report child abuse (§ 4-1321.07);

(H) Refusal or neglect of guardian to provide for child under 14 years of age (§ 22-1102);

(I) Disorderly conduct (peeping tom) (§ 22-1321);

(J) Misdemeanor sexual abuse (§ 22-3006);

(K) Violating the Sex Offender Registration Act (§ 22-4015);

(L) Violating child labor laws (§§ 32-201 through 32-224);

(M) Election/Petition fraud (§ 1-1001.08);

(N) Public assistance fraud (§§ 4-218.01 through 4-218.05);

(O) Trademark counterfeiting (§ 22-902(b)(1));

(P) Attempted trademark counterfeiting (§§ 22-1803, 22-902);

(Q) Fraud in the second degree (§ 22-3222(b)(2));

(R) Attempted fraud (§§ 22-1803, 22-3222);

(S) Credit card fraud (§ 22-3223(d)(2));

(T) Attempted credit card fraud (§ 22-1803, 22-223) (§§ 22-1803, 22-3223);

(V) Attempted insurance fraud (§§ 22-1803, 22-3225.02, 22-3225.03);

(U) Misdemeanor insurance fraud (§ 22-3225.03a);

(W) Telephone fraud (§§ 22-3226.06, 22-3226.10(3));

(X) Attempted telephone fraud (§§ 22-1803, 22-3226.06, 22-3226.10);

(Y) Identity theft, second degree (§§ 22-3227.02, 22-3227.03(b));

(Z) Attempted identify theft (§§ 22-1803, 22-3227.02, 22-3227.03);

(AA) Fraudulent statements or failure to make statements to employee (§ 47-4104);

(BB) Fraudulent withholding information or failure to supply information to employer (§ 47-4105);

(CC) Fraud and false statements (§ 47-4106);

(DD) False statement/dealer certificate (§ 50-1501.04(a)(3));

(EE) False information/registration (§ 50-1501.04(a)(3));

(FF) No school bus driver's license (18 DCMR § 1305.1);

(GG) False statement on Department of Motor Vehicles document (18 DCMR § 1104.1);

(HH) No permit - 2nd or greater offense (§ 50-1401.01(d));

(II) Altered title (18 DCMR § 1104.3);

(JJ) Altered registration (18 DCMR § 1104.4);

(KK) No commercial driver's license (§ 50-405);

(LL) A violation of building and housing code regulations;

(MM) A violation of the Public Utility Commission regulations; and

(NN) Attempt or conspiracy to commit any of the foregoing offenses (§§ 22-1803, 22-1805a)

QUESTIONS? CONTACT LORI SILBERMAN
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EXPUNGEMENT CLINIC

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DC FELONIES

NON- CONVICTION §16-803(b)

Can prove actual innocence [§ 16-802]

OR

- (1) If papered: 4 years since "off papers"
[§16-803(b)(1)(A)]
If no papered: 3 years since "off papers"
[§16-803(b)(1)(A)]

AND

- (2) 5 years "off papers" since any misdemeanor conviction [§16-803(b)(2)(A)]

Exception: If felony was non-conviction because DSA

AND

- (3) 10 years "off papers" since any felony conviction [§16-803(b)(2)(B)]

Exception: If ineligible misdemeanor was non-conviction because DSA

AND

- (4) No pending case in any jurisdiction [§16-801(5)(B)]

CONVICTION

Never eligible unless Bail Reform Act

DC MISDEMEANORS

NON- CONVICTION: "Eligible" §16-803(a)

Can prove actual innocence [§ 16-802]

OR

- (1) 2 years "off papers" [§16-803(a)(1)(A)]

AND

- (2) 5 years "off papers" since any misdemeanor conviction [§16-803(a)(2)(A)]

AND

- (3) 10 years "off papers" since any felony conviction [§16-803(a)(2)(B)]

AND

- (4) No pending case in any jurisdiction [§16-801(5)(B)]

Exception: If non-conviction because Deferred Sentencing Agreement, cannot be expunged if have any misdemeanor or felony conviction

NON-CONVICTION: "Ineligible" §16-803(b)

Can prove actual innocence [§ 16-802]

OR

- (1) If papered: 4 years since "off papers"
[§16-803(b)(1)(A)]
If no papered: 3 years since "off papers"
[§16-803(b)(1)(A)]

AND

- (2) 5 years "off papers" since any misdemeanor conviction [§16-803(b)(2)(A)]

Exception: If ineligible misdemeanor was non-conviction because DSA

AND

- (3) 10 years "off papers" since any felony conviction [§16-803(b)(2)(B)]

Exception: If ineligible misdemeanor was non-conviction because DSA

AND

- (4) No pending case in any jurisdiction [§16-803(b)§16-801(5)(B)]

CONVICTION: "Eligible" §16-803(c)

- (1) 8 years "off papers" [§16-803(c)(1)]

AND

- (2) No felony conviction or ineligible misdemeanor conviction in any jurisdiction [§16-801(5)(c)]

AND

- (3) No subsequent conviction in any jurisdiction after arrest or conviction [§16-803(c)(2); §16-801(5)(A)]

AND

- (4) No pending case in any jurisdiction [§16-803(c)(2); §16-801(5)(B)]

CONVICTION: "Ineligible" §16-803(c)

Never eligible

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