

# DC EXPUNGEMENT

## NO LEGAL ADVICE INTENDED

*This website includes information about legal issues and legal developments. Such materials are for informational purposes only and may not reflect the most current legal developments. These informational materials are not intended, and should not be taken, as legal advice on any particular set of facts or circumstances. You should contact an attorney for advice on specific legal problems.*

**READ THE BILL**

Learn more about the Second Chance Amendment Act on our newly launched website. Check it out [here!](#)

The Second Chance Amendment Act went into effect on March 1, 2025.

Some people with DC criminal records will be able to have their record sealed or expunged if they meet certain conditions, which are outlined below. Sealed and expunged records are removed from public view so that only restricted parties have access to them.

Not everyone will qualify for record relief as some offenses are excluded from the law. Contact a legal service provider for legal advice to determine if you are eligible. **At the bottom of the page** is a list of legal resources you can contact to assist you with the process.

The Second Chance Amendment Act has 4 categories of record relief:

### Automatic Expungement

### Decriminalized offenses

If someone has been charged with a crime that has become decriminalized, legalized, held to be unconstitutional, or if they have a record related only to simple possession for any quantity of marijuana before February 15, 2015, that person's record may be eligible to be automatically expunged. *Note: DC Courts have until October of 2027 to automatically expunge old records.*

## Automatic Sealing

### Non-convictions

If a person's case was terminated and they were not convicted of a crime, or if a person has been convicted of a misdemeanor (for example, public intoxication, disorderly conduct, or simple assault) and 10 years have passed since the completion of their sentence, then that person's non-conviction or misdemeanor conviction may be eligible to be automatically sealed. *Note: DC Courts have until October of 2027 to automatically seal old records.*

## Expungement By Motion

### Actual innocence

If a person's case was terminated and they were not convicted of a crime, AND if they can show that the alleged crime either did not happen or was committed by someone else, then that person may be eligible to file a petition to have their record expunged.

## Sealing By Motion

### Misdemeanor and felony convictions

If a person has been convicted of a crime, they may be eligible to file a motion to seal their record. For a misdemeanor conviction, 5 years must have passed since the completion of the person's sentence in order to file a record sealing motion. For a felony conviction, 8 years must have passed since the completion of that person's sentence in order to file a record sealing motion. It is important to note that not every felony conviction record can be sealed. Records of convictions of the most serious felonies (**those in master grid groups 1-3**) are excluded. But, if that person has additional cases on their record, those other cases may be eligible to be sealed even if their felony conviction is ineligible.

# WHAT TO INCLUDE IN A MOTION TO SEAL

- All of the petitioner's unsealed and unexpunged citations, arrests, charges, and convictions
- A showing of why the petitioner is eligible to have their record sealed
- Facts in support of the petitioner's claim.

The motion to seal may also be accompanied by a statement of points and authorities in support of the motion, and any appropriate exhibits, affidavits, and supporting documents.

## **HOW THE COURT DETERMINES WHETHER TO GRANT A MOTION TO SEAL**

When determining whether to seal a criminal record, the Court weighs the following 3 factors:

- The interests of the person filing to seal their record
- The community's interest in rehabilitating that person and reintegrating them back into society through education, employment, and housing
- The community's interest in retaining access to that person's records including the interest of current or prospective employers in making fully informed hiring or job assignment decisions and the interest in promoting public safety.

The Court may also consider other factors including the nature and circumstances of the offense or alleged offense and the history and characteristics of the petitioner. Some of these factors may include the petitioner's:

- Character
- Physical and mental condition
- Employment history
- Prior and subsequent conduct
- History relating to substance abuse or dependence and treatment opportunities
- Criminal history



### Response Time

Once a record relief motion is filed, the DC Superior Court has **180 days** to grant, deny, or dismiss the motion unless there is a good reason for a delay. The decision will be in writing and include reasons for the decision.



### If a Motion is Granted

Criminal records and court proceedings related to citations, arrests, charges, and convictions shall be sealed within 90 days after a motion to seal is granted.



### If a Motion is Denied

If the Court denies a record relief motion, a second motion for the same record can be filed after 1 year has passed. However, if the second motion is filed to seal or expunge a different record then that motion can be filed at any time and will not count as a second filed motion. If the Court denies a second motion, a person may file a 3rd and final motion after another year has passed.



### If a Motion is Filed Incorrectly

If the Court determines that a motion was filed incorrectly, then that person has 30 days to amend the filing before it gets dismissed without prejudice (meaning you CAN file it again).

## LEGAL RESOURCES

If you or someone you know needs record relief and is seeking legal advice, here is a list of legal service providers that will assist you for free:

## **Christian Legal Aid**

**202-710-0592**

**LEARN MORE**

## **Legal Aid DC**

**202-628-1161**

**LEARN MORE**

## **Neighborhood Legal Services Program**

**202-832-6577**

**LEARN MORE**

## **Public Defender Service for the District of Columbia**

**202-824-2801**

**Ask for the Duty Day Attorney for Seal cases**

**LEARN MORE**

## **Rising for Justice**

**202-638-4798**

**LEARN MORE**