

# Criminal Record Sealing and Expungement

## Washington, D.C.

In D.C., there are opportunities to get one's criminal records sealed. Generally, there is a two (2) year waiting period for eligible misdemeanors that resulted in a non-conviction. There is a three (3) to four (4) year waiting period for other (*ineligible*) misdemeanor offenses that resulted in a non-conviction. For convictions of **eligible** misdemeanors (*see* D.C. Code §§ 16-801(7) and (9)) and/or felony bail reform act offenses, there is an eight (8) year waiting period before moving to seal. If a person wants to move to seal their non-conviction based on the premise that they were actually innocent, there are no time constraints prior to filing.

The Public Defender Service for the District of Columbia (PDS) assists people with filing these motions. Contact PDS' Community Defender Division for more information at 202-824-2801. They accept walk-ins at 680 Rhode Island Ave., NE, Suite H-5, on Fridays from 9:00am to 5:00pm.

## Maryland

As of October 1, 2007, if you were arrested and released without being charged, the records will automatically be expunged within sixty (60) days after release. If you were arrested and charged with a crime, you may petition the court to expunge your record in the following circumstances: (1) you were found not guilty, (2) you were found guilty of or not criminally responsible for certain nuisance crimes, (3) the charge was dismissed, (4) the charge resulted in probation before judgment, (5) the case was nolle prosequi, (6) the case was indefinitely postponed (stet), (7) the case was compromised (settled), or (8) you were conflicted of only one non-violent crime and you were granted a full/unconditional pardon by the governor. For these situations, there is generally a three (3) year waiting period. Obtain a petition for "Expungement of Police and Court Records" and the "General Waiver and Release" at any district or circuit court. You may also obtain these forms online at <https://www.mdcourts.gov/legalhelp/expungement>.

- This [brochure](#) titled "How Can I Expunge My Criminal Record?" was created by the Maryland Judiciary's Access to Justice Department to assist in navigating the expungement process.
- The Maryland General Waiver and Release form can be found [here](#).
- Maryland courts has separated the Petitioner for Expungement of Records into two forms based on the case disposition. Both petitions and other information can be found [here](#).

## Virginia

In Virginia, if you have been acquitted or not convicted of a criminal charge, you are eligible to request expungement. If a charge was dismissed, it *may* be expunged. Innocence is a necessary requirement to be eligible for expungement. In order to obtain expungement, you must file a petition in the circuit court for the jurisdiction where the charge(s) were made. You may petition for expungement in the following situations: (1) found not guilty by a judge or jury, (2) found not guilty of contempt of court in a civil action, (3) the case was nolle prosequi, (4) charged with assault or battery that was dismissed, and the victim states in writing that s/he had received satisfaction for the injury, (5) identity theft, or (6) received an absolute pardon.

For assistance with filing a petition for expungement, contact the Virginia Legal Aid Society at 1-866-LegalAid (534-5243) or Legal Services of Northern Virginia at 1-800-552-7977. You may also obtain the “Petition for Expungement” online at <http://www.courts.state.va.us/forms/circuit/cc1473inst.pdf>.

- This [brochure](#), created by the Virginia Legal Aid Society, gives an in-depth overview of the expungement eligibility and how to navigate the expungement process in Virginia.
- Virginia’s Petition or Motion for Expungement can be found [here](#).
- The Petition for Expungement Filed in a Circuit Court- Acquittal/Dismissal can be found [here](#).

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