

# How to Clear an Arrest from Your Record

## Can I clear an arrest from my record?

It depends. Some arrests can *never* be cleared, including arrests for sex-related crimes and drivers license suspensions.

## Are there other requirements to clear an arrest from my record?

Yes. You must also meet these requirements:

- You had no felony convictions during the 5-year period before your arrest.
- You were released after your arrest and not charged or convicted of a crime.
- You have never been under community supervision for a sex-related crime for this arrest.
- Your arrest was not part of a “criminal episode,” and you have never been charged for any other crime as a part of a criminal episode.

## What if I was convicted, but appealed and won?

If you won your appeal and you meet all other requirements, you are eligible to have the arrest cleared from your record.

## How do I ask the Court to clear my record?

You must:

- Fill out a court form, called ***Petition to Clear Record***.
- Sign the form in front of a Notary, then make extra copies.
- Submit an official record of your fingerprints. (The clerk’s office can tell you how to do this.)
- File the ***Petition to Clear Record*** and your fingerprints in the same county where you were arrested.
- Go to a court hearing. (The clerk will give you the date when you file your *Petition*.)

## Do I have to fill out any other court forms?

Yes. You must also fill out a court form, called *Order to Clear Record*. Take it to your hearing. If the judge agrees to clear the arrest from your record, s/he will sign the *Order*. Then, the court clerk will send a certified copy of the *Order* to return or destroy all records about this arrest.

## Will my court record be destroyed?

No. But the Court will not allow *anyone* to see or use your old record again. It is a misdemeanor to violate the Court Order.

## If my record is cleared do I have to tell anyone about the arrest?

No, *unless* you are under oath in a criminal proceeding about the arrest. But, you can explain that the arrest was cleared from your record.

## Do I have to go to Court to clear the record?

Yes. You must go to a court hearing so a judge can decide your case. Any of the people and agencies listed in your *Petition* may go to your hearing, too. If they do not want your record cleared, they can tell the judge at your hearing.

## When will the hearing take place?

The hearing will be at least 30 days after you file your *Petition*. The court will send you a notice with the exact date, time, and location of your hearing.

## Do I have to give notice to anyone?

Yes. You must send a copy of the *Petition* to the District Attorney. Send it by certified mail, return receipt requested. Keep the receipt or mailing of your records.

## Will the Court automatically approve my Petition?

No. The Court will *not* approve your *Petition* if:

- You do not meet the requirements, or
- If an official or agency opposes your *Petition*, and the judge agrees with their opinion.

## How can I prove my record was cleared?

If the court approves your *Petition*, everyone listed on your *Petition* will be ordered to remove the arrest from your record. [Should they ask for a record check to confirm record is cleared?]

## Do I need a lawyer?

You do not *have to* have a lawyer, but it may be a good idea. Asking for a record clearance can be complicated. If you need help, contact your local [lawyer referral service](#).