

If you were arrested, but never formally charged, you may be able to have certain information about your arrest removed from the Wisconsin Criminal History Repository by submitting a special form to the CIB.

CIB removing information from the Wisconsin Criminal History Repository does not remove information from district attorney records, law enforcement records, and the department of transportation or other agency records.

### **Is A Governor's Pardon The Same Thing As Getting My Case Expunged?**

No. A governor's pardon does not expunge your court record. If you receive a governor's pardon the court will add a notation to your court record indicating that a pardon was granted for that case.

Your record will not be sealed and the file will still be accessible both at the clerk of courts office and on the WCCA website. A pardon will also not remove your record from the Wisconsin Criminal History Repository. More information about pardons can be found on the Department of Corrections website at: [www.wi-doc.com/](http://www.wi-doc.com/)

### **How Do I Find More Information About The CIB and The Wisconsin Criminal History Repository?**

Visit the Wisconsin Department of Justice website at [www.doj.state.wi.us/](http://www.doj.state.wi.us/) and read the information under the "Wisconsin Criminal History Record Check" tab. There you will find helpful information such as how to remove your arrest information at CIB and answers to questions about criminal records.

### **Additional helpful information can be found at:**

Wisconsin Circuit Court Access Website:  
[wcca.wicourts.gov/](http://wcca.wicourts.gov/)

Wisconsin Court System  
[www.wicourts.gov](http://www.wicourts.gov)

Wisconsin Department of Justice: [www.doj.state.wi.us/](http://www.doj.state.wi.us/)

Wisconsin State Bar  
[www.wisbar.org](http://www.wisbar.org)

Department of Workforce Development Publication:  
"Fact Sheet - Arrest and Conviction Records under the Law" -  
[www.dwd.state.wi.us/dwd/publications/erd/pdf/ERD-7609-P.pdf](http://www.dwd.state.wi.us/dwd/publications/erd/pdf/ERD-7609-P.pdf)

Wisconsin Statutes - Revisor of Statutes Bureau:  
[www.legis.state.wi.us/rsb/](http://www.legis.state.wi.us/rsb/)

# **Expunging Court Records: Helpful Information and Frequently Asked Questions**

*Requests for copies of this brochure can be directed to:*  
*Director of State Courts Office*  
*Office of Court Operations*  
*110 East Main, Suite 410*  
*Madison, WI 53703*

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# Expunging Court Records

## What Does It Mean When the Court Expunges a Record?

Expunging a court record means the court seals the entire criminal case file, both paper and electronic, and will not allow anyone to access the file unless they have a court order.

If the judge orders a case expunged, any reference to it will be removed from the Wisconsin Circuit Court Access (WCCA) website. If someone asks the court about the case, they will be told that no information for that case exists.

## I Would Like My Criminal Record Expunged.

### How Can I Do That?

The court can expunge criminal records in only two circumstances:

1) For crimes carrying a 6-year or less maximum period of imprisonment, committed by a person under age 25, where the sentence is successfully completed (Wisconsin Statute § 973.015). At sentencing, the court will order that the record be expunged when the defendant successfully completes their sentence.

2) In juvenile cases when the juvenile reaches age 17 and has satisfactorily complied with the conditions of their dispositional order (Wis. Stat. § 938.355(4m)). Upon reaching age 17, the person must petition the court to expunge the record.

Other than these two situations, a judge has no authority or power to expunge other types of cases. For example, there is no authority to expunge traffic forfeitures, civil cases, or small claims cases.

## My Record Was Supposed To Be Expunged But It Is Still On the WCCA Website. Why?

For qualifying crimes committed by a person under age

25, the case is expunged when the sentence has been successfully completed and the detaining or probationary authority has submitted a certificate of discharge. The detaining or probationary authority is the agency that supervised you during your sentence, usually the probation office.

Check with the clerk of court in the county where you were convicted to see if a certificate of discharge was filed in your case. If no certificate was filed with the court, you will have to contact the detaining or probationary authority to determine whether they can issue that certificate.

Juvenile adjudications cannot be viewed on the WCCA website, but the record can still be accessed by a variety of agencies. In order to have your juvenile record expunged you must petition the court.

In deciding whether to expunge your juvenile case the court will determine whether you satisfactorily complied with the conditions of your dispositional order. The court will also consider whether you would benefit from expunction and whether society will not be harmed by the expunction.

## My Record Was Expunged. Does That Mean That No One Will Find Out About My Case?

No. A judge can only order that the circuit court expunge its record of your case, not other agency records.

The Crime Information Bureau (CIB), which is part of the Wisconsin Department of Justice, operates the Wisconsin Criminal History Repository. The Wisconsin Criminal History Repository maintains a record of all convictions regardless of whether the court expunged your record. Anyone can make a request for information from the Wisconsin Criminal History Repository and employers often run background checks of job applicants this way.

Additionally, the case may still exist in district attorney records, law enforcement records, and the department of transportation or other agency records. The judge has no

authority to require removal of those agency records.

Even if the circuit court expunged your court record, anyone who asks for information from another agency may be able to obtain information about your conviction.

## My Record Was Expunged. Do I Still Have To Admit I Was Convicted Of A Crime?

Yes. Although your record was expunged and your court record sealed, the judge's order does not reverse or set aside your conviction.

If you are asked if you have ever been convicted of a crime, such as on a job application, you must answer "Yes." But, if asked that question you can also explain that your record was expunged and explain the circumstances of your case and why it was expunged.

## The Charges Against Me Were Dismissed. Can I Still Get My Record Expunged?

No. If your case was dismissed you do not qualify to have your case expunged. In order to qualify for expunction you must have been convicted in criminal court or adjudicated delinquent in juvenile court. If your case was dismissed, or if you were charged with a crime and found not guilty, you were not convicted.

In this situation, you may be able to have certain information removed from the Wisconsin Criminal History Repository. Contact the CIB to get a special form for this request.

CIB removing information from the Wisconsin Criminal History Repository does not remove information from district attorney records, law enforcement records, and the department of transportation or other agency records.

## I Was Arrested But Never Charged. Can The Court Expunge That Information?

No. Because you were never charged with a crime the circuit court does not have a criminal case file to expunge.

STATE OF WISCONSIN, CIRCUIT COURT, \_\_\_\_\_ COUNTY

IN THE INTEREST OF

**Petition to Expunge Court Record of Adjudication/ Recommendation of District Attorney**

\_\_\_\_\_  
Name

Case No. \_\_\_\_\_

\_\_\_\_\_  
Date of Birth

Under oath to tell the truth I state:

1. I am the person adjudicated delinquent in this case. I am asking that the court's record of my adjudication be expunged. I understand that if the record is expunged:
  - only the court record of the adjudication will be expunged;
  - other court records, records of the police, the Crime Information Bureau, and other law enforcement agencies, district attorney, or social services will not be affected;
  - expungement does not mean that the delinquency adjudication is vacated or set aside, only that no record of the adjudication will exist in this court's records.
2. I am now 17 years of age or older.
3. I have satisfactorily completed all provisions of the court's dispositional order in this case, including any revisions or modifications of same.
4. Society will not be harmed by granting my request to expunge the record of the adjudication
5. It will benefit me to have the record of the adjudication expunged.

Subscribed and sworn to before me

on \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Notary Public, State of Wisconsin

\_\_\_\_\_  
Name Printed or Typed

My commission expires: \_\_\_\_\_

*Instruction to petitioner: Before filing with the court, please have the district attorney involved in your case complete the recommendation below. Depending on the district attorney's recommendation, the court may or may not schedule a hearing in this matter before making a decision.*

**Recommendation of District Attorney**

- 1. I support the petition.
- 2. I object to the petition and request that this matter be set for a hearing on the petition.

\_\_\_\_\_  
Signature of District Attorney

\_\_\_\_\_  
Date

**Distribution:**

1. Original - Court
2. Petitioner
3. District Attorney

