



## THE CIRCUIT COURT OF MONTGOMERY COUNTY

**TIFFANY B. MCCORD**  
Montgomery County Circuit Clerk

(334) 832-1260

**PHELPS-PRICE JUSTICE CENTER**  
251 South Lawrence Street  
P.O. Box 1667  
Montgomery, Alabama 36102-1667

### **Expungement Check List**

Effective July 6, 2014, individuals may apply for an expungement of their criminal records under the following circumstances:

- a. For a misdemeanor criminal offense, a violation, a traffic violation, or a municipal ordinance violation:
  - (1) When the charge is dismissed with prejudice.
  - (2) When the charge has been no billed by a grand jury.
  - (3) When the person has been found not guilty of the charge.
  - (4) When the charge was dismissed without prejudice more than two years ago, has not been refiled, and the person has not been convicted of any other felony or misdemeanor crime, any violation, or any traffic violation, excluding minor traffic violations, during the previous two years. Ala. Code 1975 § 15-27-1
- b. For a non-violent felony offense:
  - (1) When the charge is dismissed with prejudice.
  - (2) When the charge has been no billed by a grand jury.
  - (3) When the person has been found not guilty of the charge.
  - (4)
    - a. The charge was dismissed after successful completion of a drug court program, mental health court program, diversion program, veteran's court, or any court-approved deferred prosecution program after one year from successful completion of the program.
    - b. Expungement may be a court-ordered condition of a program.
  - (5) The charge was dismissed without prejudice more than five years ago, has not been refiled, and the person has not been convicted of any other felony or misdemeanor crime,

any violation, or any traffic violation, excluding minor traffic violations, during the previous five years.

(6) Ninety days have passed from the date of dismissal with prejudice, no-bill, acquittal, or nolle prosequi and the charge has not been refiled. Ala. Code 1975 § 15-27-2

The individual must provide the Court, at the time of filing, with the following items:

- a. A **sworn statement** stating that the individual has satisfied the requirements for an expungement and whether they have previously applied for an expungement. (See Form CR-65) Ala. Code 1975 § 15-27-3(a)
- b. **Certified copy of the arrest**, disposition, or the case action summary from the agency or court the individual is seeking to have expunged. Ala. Code 1975 § 15-27-3(b).
- c. **Certified copy of the individual's criminal record** from the Alabama Criminal Justice Information Center. Ala. Code 1975 § 15-27-3(b).
- d. **\$300 administrative filing fee** or substantial hardship affidavit. If the court grants the substantial hardship affidavit, the individual will be given a payment plan for the \$300 administrative fee. The fee will not be waived and an expungement will not be granted until the fee is paid in full. Ala. Code 1975 § 5-27-4.

The District Attorney's Office must be **served** with a copy of the petition by the individual seeking the expungement. The District Attorney will have **45** days to file an objection to the petition to expunge criminal records. Individuals should not expect to hear anything regarding their request to expunge records for at least **60** days. The judge assigned to the case may rule on the request with or without a hearing. Should you have any questions regarding our filing requirements, please do not hesitate to call the Montgomery County Circuit Clerk's Office at (334)832-1260.