

**MUNICIPAL COURT OF OLATHE, KANSAS
EXPUNGEMENT PETITION REQUEST**

(ARREST RECORD, DISMISSAL, DIVERSION, SUSPENDED SENTENCE AND/OR CONVICTION)

FULL NAME: PLEASE PRINT

FIRST	MIDDLE	LAST
CURRENT ADDRESS:		
CITY	STATE	ZIP
DATE OF BIRTH	SOCIAL SECURITY #	DL#
HOME/CELL PHONE #	WORK PHONE #	
EMAIL ADDRESS		

YEAR OFFENSE OCCURRED _____

CASE/TICKET# _____

CHARGE(S) _____

All eligible cases and related cases you wish the court to consider for expungement **MUST** be listed on the Petition for Expungement. If you are unsure of any additional related cases/charges, please complete an open records request for a **Record Request Case List**. Incomplete Petitions for Expungement may be returned to the requestor for additional information.

This completed form must be provided to the Clerk of the Court with the Petition for Expungement. Upon payment of the \$200.00 filing fee, the Petition will be filed and served by the clerk.

Effective 01/01/2019 – If multiple motions for expungement are filed on the same date, for the same defendant in different cases, the filing fee shall be \$200.00 for the first case and \$100.00 per case for each additional motion filed.

DATE	SIGNATURE
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MUNICIPAL COURT OF OLATHE, KANSAS

PROCEDURES FOR EXPUNGEMENT (Pursuant to 12-4516)

Any person who has been convicted of a violation of a city ordinance of this state or diverted on such ordinance violation may petition the court for expungement of such conviction or diversion by filing a Petition and Order for Expungement if three or more years have elapsed since the person:

1. Satisfied the sentence imposed, or
2. was discharged from probation, parole or suspended sentence; or
3. fulfilled the terms of a diversion agreement based on a violation of a city ordinance.

EXCEPTIONS:

No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence if such person was convicted of a violation or the following ordinances:

1. Driving while under the influence of alcohol or drugs (Section 10.01.030)
2. Driving while the privilege to operate a motor vehicle on the public highways of the State of Kansas has been cancelled, suspended or revoked (Section 10.01.194)
3. Failing to stop at a scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604 (Sections 10.01.023 and 10.01.025)
4. Violating the provisions of K.S.A. 40.3104 and amendments thereto relating to motor vehicle liability insurance coverage (10.01.200)

The Petition for Expungement shall state the defendant's full name; the full name of the defendant of the time of arrest, diversion or conviction, if different than the defendant's current name; the defendant's sex, race and date of birth; the crime for which the defendant was arrested, diverted or convicted; the date of the defendant's arrest, diversion or conviction and the identity of the convicting court. The court may inquire into the background of the petitioner and shall have access to any report or records relating to the petitioner that are on file with the Secretary of Corrections or the prisoner review board.

The court shall order the petitioner's arrest record, diversion or conviction expunged if the court finds that:

1. The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;
2. The circumstances and behavior of the petitioner warrant the expungement; and
3. The expungement is consistent with the public welfare.

The petitioner shall file a Petition for Expungement with the Olathe Municipal Court. The clerk will provide notice of the hearing and service of the City Prosecutor and the Olathe Police Department. A \$200.00 fee is required for filing a Petition of Expungement. If multiple motions for expungement are filed on the same date, for the same defendant in different cases, the filing fee is \$200.00 for the first case and \$100.00 per case for each additional motion filed.

IN THE MUNICIPAL COURT OF OLATHE, KANSAS

CITY OF OLATHE, KANSAS,
Plaintiff,

vs.

Case No.(s) _____

Police Dept. Case No. _____

_____,
Defendant,

PETITION FOR EXPUNGEMENT

(Pursuant to K.S.A 12-4516 and K.S.A. 12-4516a)

Defendant's full legal name is now _____.
(First, Middle and Last names required)

Defendant's full legal name at the time of arrest was _____.
(First, Middle and Last names required)

Defendant's name at the time of conviction, diversion or suspension of sentence if different from the above names was _____.
(First, Middle and Last names required)

Race _____ Sex _____ Date of Birth _____ Social Security No. _____

COMES NOW the defendant and petitions this court for an Order of Expungement for Case No. _____ issued on the _____ day of _____, _____, for the charge(s) of _____ for the following reason:

1. More than three/five/ten years have elapsed since the defendant satisfied the sentence imposed or was discharged from probation, parole or a suspended sentence or fulfilled the terms of a diversion agreement.
2. The defendant has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the defendant.
3. The circumstances and behavior of the defendant warrant the expungement.
4. This expungement is consistent with the public welfare.

WHEREFORE, the defendant prays that this court grant this petition and enter an Order of Expungement for the purpose of expunging the defendant's record of arrest, conviction, suspension of sentence and/or diversion for the aforementioned offense.

NOTICE OF HEARING

Take notice that the above Petition of Expungement will be called for hearing in the Municipal Court of Olathe, Kansas, on the _____ day of _____, _____, at 9:30 AM in Courtroom #2.

Date

Signature of Defendant

Date

Signature of Defendant's Attorney

NOTICE OF SERVICE

I, _____, a clerk of the Olathe Municipal Court delivered a copy of this Petition for Expungement and Notice of Hearing to the city of Olathe Prosecutor's Office and Olathe Police Department on this _____ day of _____, _____.

Olathe Municipal Court Clerk

**MUNICIPAL COURT OF OLATHE, KANSAS
EXPUNGEMENT PETITION REQUEST
(ARREST RECORD ONLY)**

FULL NAME: PLEASE PRINT

FIRST	MIDDLE	LAST
CURRENT ADDRESS:		
CITY	STATE	ZIP
DATE OF BIRTH	SOCIAL SECURITY #	DL#
HOME/CELL PHONE #		WORK PHONE #
EMAIL ADDRESS		

YEAR OFFENSE OCCURRED _____

CASE/TICKET# _____

CHARGE(S) _____

All eligible cases and related cases you wish the court to consider for expungement **MUST** be listed on the Petition for Expungement. If you are unsure of any additional related cases/charges, please complete an open records request for a Record Request Case List. Incomplete Petitions for Expungement may be returned to the requestor for additional information.

This completed form must be provided to the Clerk of the Court with the Petition for Expungement. Upon payment of the \$200.00 filing fee, the Petition will be filed and served by the clerk.

Effective 01/01/2019 – If multiple motions for expungement are filed on the same date, for the same defendant in different cases, the filing fee shall be \$200.00 for the first case and \$100.00 per case for each additional motion filed.

DATE	SIGNATURE
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MUNICIPAL COURT OF OLATHE, KANSAS

PROCEDURES FOR EXPUNGEMENT OF ARREST RECORD ONLY (Pursuant to 12-4516a)

A Petition for Expungement of Arrest Record may be filed at any time the petitioner qualifies under K.S.A. 12-4516a. No three or five year waiting period is applicable.

The Petition for Expungement of Arrest Record shall state the defendant's full name; the full name of the defendant of the time of arrest, diversion or conviction, if different than the defendant's current name; the defendant's sex, race and date of birth; the crime for which the defendant was arrested, diverted or convicted; the date of the defendant's arrest, diversion or conviction and the identity of the convicting court. The court may inquire into the background of the petitioner and shall have access to any report or records relating to the petitioner that are on file with the Secretary of Corrections or the Kansas Parole Board.

The court shall order the petitioner's arrest record expunged if the court finds that:

1. The arrest occurred because of mistaken identity; or
2. a court has found that there was no probable cause for the arrest; or
3. the petitioner was found not guilty in court proceedings; or
4. the expungement would be in the best interest of justice
5. the charges have been dismissed or
6. no charges have been or are likely to be filed.

The petitioner shall file a Petition for Expungement of an Arrest Record with the Olathe Municipal Court. The clerk will provide notice of the hearing and service of the City Prosecutor and the Olathe Police Department. A \$200.00 fee is required for filing a Petition of Expungement. If multiple motions for expungement are filed on the same date, for the same defendant in different cases, the filing fee is \$200.00 for the first case and \$100.00 per case for each additional motion filed.

IN THE MUNICIPAL COURT OF OLATHE, KANSAS

CITY OF OLATHE, KANSAS,
Plaintiff,

vs.

Case No.(s) _____

Police Dept. Case No. _____

_____,
Defendant,

PETITION FOR EXPUNGEMENT OF ARREST RECORD

(Pursuant to K.S.A 12-4516a)

COMES NOW the petitioner and moves this court for an Order of Expungement. In support of this motion, the petitioner states as follows:

Petitioner's full legal name is now _____.
(First, Middle and Last names required)

Petitioner's full legal name at the time of arrest was _____.
(First, Middle and Last names required)

Race _____ Sex _____ Date of Birth _____ Social Security No. _____

On the _____ day of _____, _____, petitioner was arrested by the Olathe, Kansas Police Department in case number(s) _____ issued on the _____

day of _____, _____, for the charge(s) of _____

a violation of Ordinance No. _____. The petitioner is entitled to expungement of the above arrest record for the following reasons:

1. The arrest occurred because of mistaken identity; or
2. A court has found that there was no probable cause for the arrest; or
3. The petitioner was found not guilty in court proceedings; or
4. the expungement would be in the best interest of justice and
5. charges have been dismissed; or
6. no charges are likely to be filed.

WHEREFORE, the petitioner prays that this Court grant the petition and enter an Order of Expungement for the purpose of expunging the petitioner's arrest record.

NOTICE OF HEARING

Take notice that the above Petition of Expungement of Arrest Record will be called for hearing in the Municipal Court of Olathe, Kansas, on the _____ day of _____, _____.

Date

Signature of Petitioner

Date

Signature of Attorney

NOTICE OF SERVICE

I, _____, a clerk of the Olathe Municipal Court delivered a copy of this Petition for Expungement and Notice of Hearing to the city of Olathe Prosecutor's Office and Olathe Police Department on this _____ day of _____, _____.

Olathe Municipal Court Clerk