Alliance for Safety and Justice

CASE CLOSED:

Streamlined Record Clearance for Non-Convictions

March 2026

At a Glance

More than 10 million adults in the United States have "non-conviction" records – records resulting from arrests that did not result in a criminal conviction.

- Even without a conviction, these records can serve as barriers, preventing individuals from securing jobs, housing, or other crucial opportunities.
- Decreased access to housing, good jobs, and education undermines public safety by compromising individuals' ability to achieve stability.
- Integrating non-conviction record clearance into the case closing process streamlines clearance and avoids persistent barriers.

Introduction

Millions of people each year are arrested on charges that do not result in a criminal conviction ("non-convictions") – the charges are rejected, dismissed or result in acquittal, or result in a conviction that is subsequently overturned or vacated.[1] Even when a person is not convicted, their record of arrest can create long-lasting barriers to employment, housing and other crucial opportunities, which in turn decreases economic growth and public safety.

Clearing non-conviction records can alleviate these harms. Incorporating record clearance into the routine case closing process can make the clearance more effective and the process more efficient.

Integrating non-conviction record clearance with case closing:

- Prevents an extended period of lost opportunities that can shift a person's trajectory so much that recovery is hard, even years later;
- Enables direct and immediate notification to the individual that their non-conviction record will be cleared;
- Simplifies the process of identifying cases for clearance;
- Streamlines the steps needed to shield the record from public review by incorporating them into the routine steps to close the case.

Promptly clearing
non-conviction case records
DECREASES ↓
administrative burden +
INCREASES ↑
impact of record relief.

The Need for Non-Conviction Record Clearance

Barriers due to criminal records create enormous economic losses and undermine public safety. Criminal records cost Americans more than $372 billion in lost wages each year.[2] These lost earnings impact individuals' long term trajectory, their families and communities, and the broader economy.[3] Diminished economic opportunity in turn drives recidivism, continuing cycles of loss and worsening public safety.

Even though non-conviction records result from charges that were dismissed or otherwise did not lead to convictions, without clearance they may significantly impact employment outcomes and other opportunities. One recent study found that uncleared felony charges that did not result in convictions were still associated with 8-11% lower rates of employment, with misdemeanor non-convictions linked to 7-8% decreases, and these effects lasted for years.[4] Furthermore, when arrest records remain available without prompt clearance, the impact of the initial negative labor market consequences soon after the case is resolved may be so extensive that it is hard to later recover even if the original non-conviction record is subsequently cleared.[5] Prompt clearance helps to avoid this long-term decrease in employment, and resulting detrimental effects on the economy and public safety.

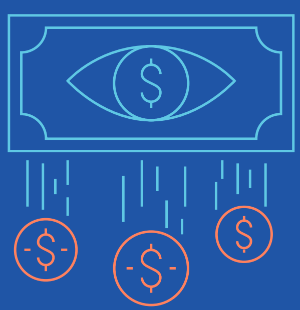
There is broad recognition of the need for non-conviction record relief, and some protection is provided by every state as well as federal law. But current laws vary significantly and leave many gaps, leading to inconsistent treatment of non-conviction records and potential confusion about whether they will be considered. Title VII of the Civil Rights Act prohibits employment denials based on arrest records alone, but that rule may be difficult to apply in practice if employers still see non-conviction arrest charges on employment background checks.[6] The federal Fair Credit Reporting Act provides some protection by prohibiting reporting non-conviction information on some job applications, but its protections depend on the time elapsed and the prospective job's salary. Many states provide additional state-level protections or clearance for non-convictions, but some require burdensome petition processes or only apply under specific conditions. Collectively, this complicated approach to handling non-conviction records leaves individuals unsure if their record will be reported, while employers or other decision makers struggle to evaluate them.

Routine non-conviction record clearance can address these issues, improving economic and public safety outcomes for individuals and the wider community, providing clear and predictable rules, and simplifying the current patchwork of laws. Moreover, this form of record clearance is relatively simple to implement, especially when integrated into the existing case-closing process.

More than

$372 BILLION

lost in wages due to barriers from criminal records



Integrating Record Clearance with Disposition: Simultaneous, Streamlined and Secure

Non-conviction record clearance can be accomplished in a range of ways, but incorporating it into the routine case closing procedures increases the efficiency of the process and the effectiveness of the record relief.

A number of states provide models for clearing non-conviction records when the case is closed, as described further below. The states' specific laws vary but they all improve efficiency and effectiveness with a few key components: a non-conviction resolution triggers prompt and routine record clearance, initiated by the court without individual action.

Increased Efficiency

Integrating record clearance into the standard case-closing process streamlines both how records are identified for clearance and the steps to clear the record.

Non-conviction cases can be identified for clearance as part of the court's routine disposition of the case, so that a non-conviction resolution flags the record for prompt clearance. Tagging a case as eligible for clearance when it is resolved, even if the clearance process does not start immediately, avoids the need for a secondary administrative process to match data to eligibility criteria, reducing both workload and the risk of error.[7]

The states described below use varying processes to identify eligible non-conviction cases based on distinct state needs, but all still result in significant efficiencies. For example, Kentucky and South Carolina expunge eligible non-conviction records, which requires destroying or removing covered records from databases, including some law enforcement records. Both states require a 30-day delay before the expungement order, rather than ordering it at the time of disposition. South Carolina allows law enforcement or the prosecutor to confirm there were no errors in the determination of eligibility and the person has no pending cases. But even with these variations, the profiled states share key components that result in a streamlined process: non-conviction dispositions trigger the court to order prompt and routine record clearance as the default action.

Additionally, when the court orders clearance at the time it closes the case, it can further simplify the clearance process by allowing the court to integrate the administrative steps required for clearance into the existing case closing procedures.[8] Non-conviction clearance laws recently passed in Virginia and Illinois, and in effect in New York for decades, provide several models of this approach, enabling courts to take steps to seal the record at the same time as they close the case.

KEY COMPONENTS: A non-conviction resolution triggers record clearance that is **prompt, routine** and **initiated by the court** without action from the individual

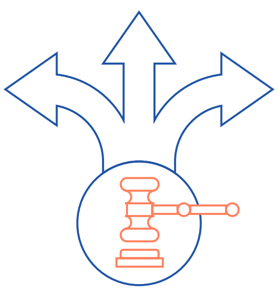
As described below, the administrative processes to close cases involve many of the same components as record clearance: managing the case records; recording the disposition internally; and reporting the outcome to other agencies.

Record Management:

At the time the court is storing and otherwise processing case records as part of closing the case, the court can mark any physical or electronic records it retains as sealed or expunged, and segregate them as needed, or destroy records indicated by the policy.

Internal Disposition Record:

When the court internally records the disposition of the case, that record can also simultaneously reflect its status as sealed or expunged without requiring separate action or a secondary process designed to identify records eligible for clearance after the fact.



Notification to other Agencies:

When cases conclude, courts already routinely provide disposition information to other agencies, including the state repository, and through the repository, to the FBI. With integrated clearance, the court can simultaneously notify agencies that the court has ordered record clearance and direct the agencies to take appropriate actions to seal, expunge or otherwise limit access to their related records, potentially destroying the associated fingerprints or removing them from record search results or public disclosure.

Increased impact

Clearing non-conviction records when charges are resolved increases not only the efficiency, but the impact of clearance. Recent research suggests that if a non-conviction record is not cleared for more than a year, it may decrease opportunities to an extent that it is hard to fully recover, even if the underlying record is no longer a direct barrier.[9] Lost earnings and decreased stability has reverberating effects, harming the individual, their family, and the broader community, and in turn undermining public safety. By initiating clearance promptly, states can enable people to rebound more quickly after an arrest and avoid the compounding effects of delay.

Additionally, initiating record clearance when the case is closed allows for direct and immediate notification to the individual. Knowing that their record is cleared, people can more confidently move forward, without the lingering shadow of an arrest record. Concretely, they can feel better equipped to pursue opportunities and answer application questions more accurately, leading to more successful outcomes.

Examples of State Laws Providing Integrated Non-Conviction Clearance

Among the states that provide non-conviction record relief, a growing number integrate that clearance with existing court closing processes, decreasing the administrative burden and increasing the impact of clearance. Clearance laws that are currently in effect in Indiana, Kentucky, New York and Nebraska, and recently passed laws in Virginia and Illinois, provide helpful models of possible ways to structure this process.

Notably, each of these laws vary in how they address key components based on specific considerations in each state. Areas that vary include: the level of record clearance, either expungement or sealing, with each term defined slightly differently by each state; the types of non-convictions covered, for example all dismissals or only dismissals with prejudice; and whether there is a short delay before clearance or any process for objection.

For states considering expanding or instituting their own record clearance policy, the summaries below indicate some of the variations among states, while also emphasizing the common elements: prompt and routine non-conviction record clearance, initiated by the court without individual action.

Illinois

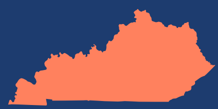
Beginning January 1, 2029, Illinois will immediately seal records of charges that result in acquittal or dismissal in an integrated process (except for specified traffic violations or charges with the same case number as an ineligible conviction). When the disposition is entered, the court will inform the person charged that it will be immediately sealed. After the final disposition, the court issues a sealing order and the circuit court clerk then provides notice of sealing to the State Police and the arresting agency within 30 days of sealing the record. Once sealed, records may not be made available except by court order or to the parties of record, or, upon request, the disposition may be provided to the Illinois State Police. The subject's name must also be removed from the official index kept by the circuit court clerk. [10]

Indiana

In Indiana, the court immediately orders expungement of all records related to criminal charges or juvenile delinquency allegations if all charges result in acquittal or dismissal, or are vacated after an earlier conviction. These expungement orders take effect after 60 days from the dismissal or acquittal, though a prosecutor may file a motion to delay the expungement for up to 1 year if the court finds specific facts that justify the delay.

Expungement in Indiana requires removing or sealing subject records, but does not permit destruction or deletion. Specifically, information relating to the arrest, charges, allegations, or vacated matter must be removed from the state central repository or other criminal history information systems maintained by local, regional or state law enforcement agencies. Court records must also be redacted or sealed, though records remain available to courts and criminal justice agencies for their official duties.[11]

Kentucky



Kentucky provides integrated expungement without secondary petitions or a waiting period for all cases that result in acquittal or court dismissal as long as the dismissal was not due to a guilty plea to another charge and was dismissed with prejudice (meaning charges could not be renewed). The law requires expunging all records held by the court or any other agency or official, except the Department for Community Based Services. Under Kentucky expungement laws, covered agencies must delete or remove records from computer systems and in response to inquiries state that no record exists on the matter. If an appellate opinion was published, the case file must be sealed and the court's website must modify the opinion on it to avoid using the defendant's name. Once the record is expunged, the proceedings "shall be deemed never to have occurred," and a person does not have to disclose the record on applications. The law went into effect in July 2020, with dismissals or acquittals before that date requiring petitions.[12]

Nebraska

In Nebraska, cases dismissed by the court are sealed without a motion. Covered dismissals include charges dismissed by the court by prosecutor's motion, due to a hearing that is not subject to pending appeal, after acquittal, after a deferred judgment or after completion of a program prescribed by a drug court or other approved problem-solving court. In Nebraska, sealing does not apply if the subject of the record is an announced candidate for public office or is currently incarcerated, under supervision or being prosecuted for a separate arrest.

Upon dismissal or acquittal, the court shall order that records, data and information from any stage of the case starting with arrest are not public record and must not be disseminated except to criminal justice agencies unless the information is disaggregated. The court also notifies and orders sealing by involved law enforcement agencies, prosecutors, and any transferring court as well as the Nebraska State Patrol and the Nebraska Commission on Law Enforcement and Criminal Justice. After sealing, a person cannot be questioned about that offense in "any application for employment, bonding, license, education, or other right or privilege, any appearance as a witness, or any other public inquiry." In response to prohibited questions, a person can respond "as if the offense never occurred."[13]

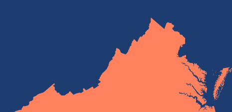
New York

New York seals non-conviction records at the time charges are dropped, dismissed or otherwise terminated "in favor" of the person accused, unless the court makes a finding following a hearing with notice to the defendant that sealing would not be in the interest of justice.[14] Upon sealing, the court notifies the state repository and all appropriate law enforcement agencies that the action was resolved in favor of the accused and the record must be sealed.[15] Non-conviction sealing in New York also requires the destruction of fingerprints, palmprints and photographs by the state repository and any police or law enforcement agency that holds them. If an agency transmitted such information to agencies outside of New York, it must request that they also destroy them. The state repository and any court, law enforcement agency or prosecutor's office holding sealed records or papers related to the action must not release them except for limited specified exceptions. Once sealed, the matter is "deemed a nullity" and shall not operate as a disqualification from any occupation or other lawful activity.[16]

South Carolina

South Carolina expunges criminal charges brought in a Summary Court when they result in an acquittal, dismissal, or nolle prosequi. The prosecutor can object to expungement if the person has other charges pending or the charges are ineligible. In South Carolina, expungement applies to criminal records held by governmental agencies, including but not limited to the arresting agency, detention facilities or jails, solicitor's office, clerk of the court, summary court and State Law Enforcement Division. It also requires removing related criminal charge information from internet-based public records.[17]

Virginia



Starting July 1, 2026, Virginia will seal cases that result in dismissal with prejudice or acquittal through an integrated process. The court will order sealing when misdemeanor charges result in non-convictions (other than specified traffic violations) unless the subject of the record objects. When felony charges result in non-convictions, the person charged may orally request that the records be sealed. If the prosecutor agrees, the judge will order sealing.

In Virginia, a sealing order triggers electronic notification to the Department of State Police which must then electronically notify other agencies and individuals that received the sealed records that the records are sealed and must not be disseminated except for limited specified exceptions. The court record of the sealed matter must not be available for public online viewing nor be disseminated by the clerk of the court, with specified limited exceptions.[18]

About This Report

This report was researched and written by Kate Wagner-Goldstein for the Alliance for Safety and Justice, and benefited from feedback and contributions from Alliance for Safety and Justice staff including John Cutler, Holly Kirby, and Cyrus O'Brien. The Alliance for Safety and Justice thanks David Pushell of the Kentucky Court of Justice, the Nebraska Administrative Office of the Courts and Probation, Adam Dean of the New York State Division of Criminal Justice Services, Terry Leverette of the South Carolina Judicial Department, and Rob Pogenklass of Justice Forward Virginia for providing information and insight.

About the Alliance for Safety and Justice:

The Alliance for Safety and Justice was founded in 2016, with a vision to replace the overuse of incarceration with more effective public safety solutions. Focused on large states, we partner with state leaders and advocates to achieve safety and justice reforms that break cycles of crime, reduce costly incarceration and make communities safer. We center our advocacy around the leadership and experiences of crime survivors and people with old records in pursuit of safety, fairness and healing. Alliance for Safety and Justice is a program of Just Safe.

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Chicago:

Alliance for Safety and Justice, Case Closed: Streamlined Record Clearance for Non-Convictions. (March 2026), https://allianceforsafetyandjustice.org/resources/caseclosed/.

Endnotes

1 This report uses the term "non-conviction" to refer to a range of outcomes including: charges that are dropped without being filed in court, dismissals or acquittals in court, or convictions that were successfully overturned on appeal or vacated. This report uses the term "record clearing" to describe broad remedies that shield records from public view, including sealing, expunging, or otherwise limiting access to the record. The terms sealing and expunging do not have uniform definitions, but are defined differently by different state laws.

2 Terry-Ann Craigie, Ames Grawert, Cameron Kimble, and Joseph Stiglitz, *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality* (Brennan Center for Justice, 2020), www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal.

3 See Rebecca Vallas, Sharon Dietrich, and Beth Avery, "A Criminal Record Shouldn't Be a Life Sentence to Poverty," Center for American Progress (May 29, 2021), https://www.americanprogress.org/article/criminal-record-shouldnt-life-sentence-poverty-2/.

4 Amanda Agan, Andrew Garin, Dmitri Koustas, Alexandre Mas, and Crystal Yang, "Can you Erase the Mark of a Criminal Record? Labor Market Impacts of Criminal Record Remediation" (May 7, 2024). University of Chicago, Becker Friedman Institute for Economics Working Paper No. 2024-57, https://ssrn.com/abstract=4820361, p. 16. (finding that "employment falls after an initial charge and remains low persistently even 6 years after the event, even when the defendant was not convicted.")

5 Ibid., 6.

6 See U.S. Equal Employment Opportunity Commission, Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act, (April 25, 2012), https://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions#VB2.

7 Integrating record relief into the case-closing process is necessarily limited to prospective cases. However, retroactive clearance can similarly be streamlined by adopting a broad definition of non-convictions – avoiding specific criteria that may not exist in older records – and by providing clearance automatically without requiring individual action.

8 This section focuses on record clearance of non-convictions that were filed in court. If charges are dropped or declined by the arresting agency or prosecutor before being filed in court, the respective agency could initiate similar processes

9 Amanda Agan, Andrew Garin, Dmitri Koustas, Alexandre Mas, and Crystal Yang, "Can you Erase the Mark of a Criminal Record? Labor Market Impacts of Criminal Record Remediation" (May 7, 2024). University of Chicago, Becker Friedman Institute for Economics Working Paper No. 2024-57, https://ssrn.com/abstract=4820361, 6.

10 20 ILCS § 2630.5.2(k)(4).

11 Ind. Code § 35-38-9-1.

12 Ky. Rev. Stat. Ann. § 431.076.

13 Neb. Rev. Stat. § 29-3523.

14 While sealing occurs with no further action, New York law permits the court to order that an individual case is not sealed if it makes the determination that sealing would not be "in the interests of justice." This outcome is rare, and requires a motion with notice and that the judge states the reasoning on the record.

15 New York law also provides sealing for charges dropped without being brought to court. In those matters, it requires the responsible agency, either law enforcement or the prosecutor, to initiate this process.

16 NY P.L. §§ 160.50, 160.60.

17 SC Code § 17-22-950.

18 VA Code §§ 19.2-392.8; 19.2-392.13.

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