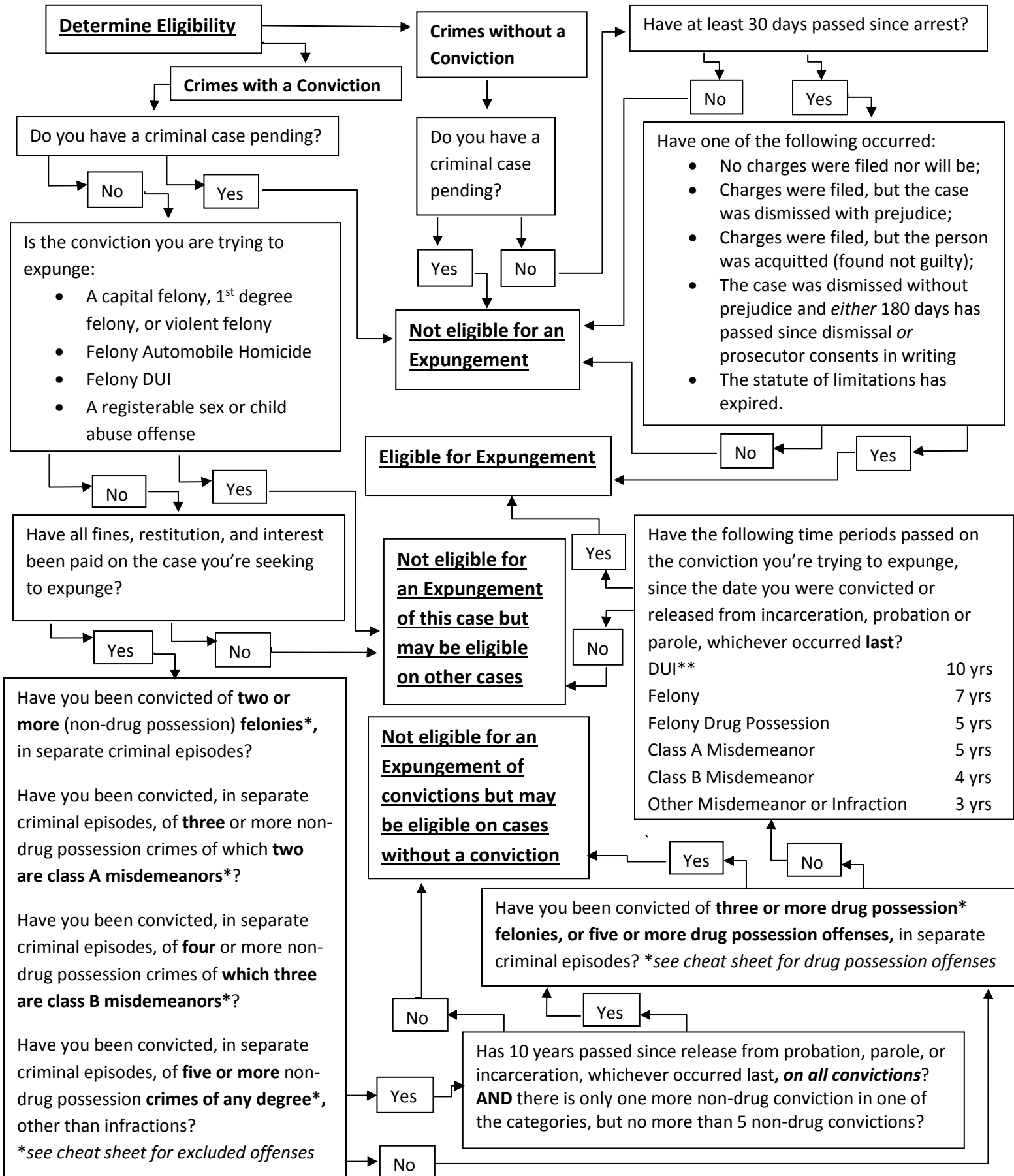


Flow Chart for determining eligibility for Expungement



*CONVICTIONS CHEAT SHEET

CONVICTIONS UNDER §77-40-105(5), ALSO SEE §77-40-102

(Non –Drug Possession Offenses under §105(5))

- Conviction of Offense under Title 76, Criminal Code
- DUI, Impaired Driving, Alcohol Related Reckless, Reckless Driving, Driving with Measurable Amount Controlled Substance etc. under §41-6a, Part 5
- Offenses under §58-37-8(1), such as: Possession With Intent To Distribute, Manufacture, Produce Controlled Substance, etc.
- Offenses Under §58-37-8(3), such as: Alter/Forge Prescription
- Convictions Under §73-18-13 et seq (e.g. Boating Act Offenses Involving Accident)
- Class A misdemeanors and felonies not otherwise excluded

DRUG POSSESSION OFFENSES UNDER §77-40-105(6), ALSO SEE §77-40-102

- Most convictions under §58-37-8(2), §58-37a-5(1), such as: Possession/Use/Consumption of a Controlled Substance, Possess/Use Paraphernalia, Possess Imitation C/S, Possession Marijuana, Possession of Forged or Altered Prescription, etc.
- Exceptions: Possession > 100lbs Marijuana, Possession in Correctional Facility, Possession of Measurable Amount C/S in Body and Operates Motor Vehicle Causing Serious Bodily Harm or Death to Another; Intent offenses as described above; exceptions *count in non-drug category above*
- **If there is a conviction for both a drug possession and non-drug offense in same criminal episode**, it is considered a drug possession offense only if the non-drug offense is either a class B or C misdemeanor *and* has a shorter wait time to expunge than the drug possession offense (see §77-40-105(7)).

EXCLUDED CONVICTIONS, SEE ALSO SEE §77-40-102

- Infractions
- B and C Misdemeanors and Local Ordinances not in Criminal Code, §41-6a Part 5, or §73-18-13 et seq.
- Traffic Offenses, Minor Regulatory Offenses, Boating Act Violations
- Examples Of Exclusions: Minor In Possession Alcohol, Driving On Suspension, Noise Ordinance, Dog At Large, Driving Without Insurance, Speeding, Failure to Yield, Failure to Appear, etc.

****OFFENSES REQUIRING 10 YEAR WAIT-** DUI, Impaired Driving, Alcohol Related Reckless before 7/1/2008, Felony conviction of Possession Controlled Substance in Body while Operating Motor Vehicle Negligently causing Serious Bodily Harm or Death to Another (see 41-61-501(2) and 57-37-8(2)(g))