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THE HIGH COST OF A FRESH START

A STATE-BY-STATE ANALYSIS OF COURT DEBT AS A BAR TO RECORD CLEARING

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APPENDIX

COURT DEBT AS A BARRIER TO CLEARING A CONVICTION RECORD

Note: for methodology and an explanation of categories, see Section IV.
Following this chart are state-by-state summaries of the relevant legal authorities.

All court debt must be paid to qualify (6)	Arkansas Indiana Iowa	Missouri New Mexico Texas
Court debt that is part of the sentence must be paid to qualify (7)	Arizona Montana New Hampshire Ohio	Oregon Tennessee Utah
Some court debt must be paid to qualify (15)	Alabama Colorado Delaware Georgia Mississippi North Carolina North Dakota New Jersey	Oklahoma Pennsylvania Rhode Island South Dakota Vermont Washington Wyoming
Court debt does not disqualify, but may be considered by the court or agency (14, D.C.)	California Connecticut District of Columbia Illinois Kansas Kentucky Maryland Massachusetts	Michigan Minnesota Nevada New York South Carolina Virginia West Virginia
Court debt has no effect on relief (1)	Louisiana	
No general conviction record clearing (7, Fed.)	Alaska Federal Florida Hawaii	Idaho Maine Nebraska Wisconsin

Alabama requires payment of certain types of court debt as a condition of eligibility for expungement: (1) for misdemeanor conviction expungement, court debt that becomes a requirement of probation or parole must be paid; (2) for expungement of any conviction, all other court debt must be paid, absent a finding of indigency by the court; and (3) for expungement of pardoned felonies, all court debt that is part of the sentence must be paid. First, a person convicted of misdemeanor or violation “may file a petition . . . to expunge records relating to the charge and conviction if all the following occur: . . . all *probation or parole requirements* have been completed, including payment of all fines, costs, restitution, and other court-ordered amounts.” Ala. Code § 15-27-1(b) (1) (emphasis added). Second, “[n]o order of expungement shall be granted unless all terms and conditions, including court ordered restitution, are satisfied and paid in full, including interest, to any victim, or the Alabama Crime Victims’ Compensation Commission, as well as court costs, fines, or statutory fees ordered by the sentencing court to have been paid, absent a finding of indigency by the court.” *Id.* § 15-27-12. Third, sealing of pardoned felonies requires that “[t]he person has paid all fines, court costs, fees, and victim restitution ordered by the sentencing court at the time of sentencing on disqualifying cases.” *Id.* §§ 15-22-36.1, 15-27-2(c).

Arizona’s new sealing law—enacted in 2021 and effective in 2023—requires that “the person completes all of the terms and conditions of the person’s sentence, including paying all fines, fees and restitution that are ordered by the court,” in order to petition for sealing. See Ariz. Rev. Stat. Ann. § 13-911(E). In addition to this new record clearance authority, Arizona law authorizes courts to “set aside” or “vacate” most state convictions, and to dismiss the charges upon “fulfillment of the conditions of probation or sentence and discharge by the court,” without providing for sealing. *Id.* § 13-905(A). It is not clear if all court debt must be paid in order to petition for set-aside, but among the factors that the court may consider in deciding whether to grant relief are “the victim’s input and the status of victim restitution, if any.” *Id.* § 13-905(C)(4).

In **Arkansas** a person is eligible for sealing certain felony convictions and misdemeanors or violations after “completion of sentence.” Ark. Code Ann. §§ 16-90-1405(a), 16-90-1406(a). “Completion of sentence” is defined in § 16-90-1404(1) to include payment of “fine, court costs, or other monetary obligation as defined in § 16-13-701 in full, unless the obligation has been excused by the sentencing court.” Section 16-13-701 provides, in relevant part: “(b) As used in this subchapter, ‘fine’ means a monetary penalty imposed by a court, including without limitation: (1) A monetary fine; (2) Court costs; (3) Court-ordered restitution; (4) Probation fees; (5) Supervision fees; (6) Public service supervisory fees; and (7) Other court-ordered fees.”

Under **California** law, certain court debt may be required to be paid in order to qualify for mandatory or automatic relief; however, people with outstanding court debt may still apply for discretionary relief. California’s primary form of relief is a set-aside and sealing under California Penal Code § 1203.4, known colloquially as an expungement (there are also other similar set-aside authorities). Courts have interpreted § 1203.4 as providing for three types of relief, two of which are mandatory upon eligibility, and the third is discretionary:

- (1) A person is entitled to expungement as of right if the person has “fulfilled the conditions of probation for the entire period of probation,” Cal. Penal Code § 1203.4(a)(1), which includes, for example, payment of court-ordered restitution during the probationary period, see *People v. Chandler*, 250 Cal. Rptr. 730, 787–90 (Cal. Ct. App. 1988), but not, for example, attorney fees and the costs of probation, which “cannot legally be imposed as conditions of probation,” see *People v. Bradus*, 57 Cal. Rptr. 3d 79, 82 (Cal. Ct. App. 2007);
- (2) A person is also entitled to expungement as of right if they have “been discharged before the termination of the period of probation,” regardless of whether they have paid their court debt, see, e.g., *People v. Allen*, 254 Cal. Rptr. 3d 134, 141 (Cal. Ct. App. 2019); and
- (3) A person may be granted expungement “in any other case in which a court, in its discretion and the interests of justice, determines that a defendant should be granted” relief, Cal. Penal Code § 1203.4(a)(1).

In *People v. Allen*, the Court of Appeal held that the trial court could deny discretionary expungement, the third type of relief, because of unpaid victim restitution, without violating due process or equal protection, even if the person could not afford to pay the amount. 254 Cal. Rptr. 3d at 142–47. In *People v. Guillen*, the Court of Appeal held that the granting of relief under § 1203.4 results in the elimination of outstanding court debt that constitutes a “penalty or disability,” which includes at least a “restitution fine” (a type of fine imposed in almost every case). 160 Cal. Rptr. 3d 589, 605–06 (Cal. Ct. App. 2013).

In 2019, California authorized a system for automatic record clearance, which is scheduled to go into effect in 2022. That law includes various eligibility criteria, including the following requirements that may in some instances pose a barrier for a person with outstanding court debt: the person either completed probation without revocation, or if convicted of an infraction or misdemeanor was not granted probation and, based on the disposition date and the state DOJ’s records, “appears to have completed their sentence.” Cal. Penal Code § 1203.425(a)(B)(v).

In **Colorado**, convictions for state misdemeanor and felony offenses that are otherwise eligible for sealing “may not be sealed if the defendant still owes restitution, fines, court costs, late fees, or other fees ordered by the court in the case that is the subject of the motion to seal conviction records, unless the court that entered the order for restitution, fines, court costs, late fees, or other fees vacated the order.” Colo. Rev. Stat. § 24-72-706(e). In contrast, convictions for municipal offenses are not subject to this requirement. See *id.* § 24-72-708. Nonetheless, the court, in weighing various listed factors to decide whether such a municipal conviction should be sealed, is not prohibited from considering outstanding court debt. See *id.*

Presently, in **Connecticut** a pardon must be obtained to “erase” a conviction record. While outstanding court debt had in the past been disqualifying, the board website has now deleted any mention of court debt from its eligibility criteria, leaving only the other three disqualifying criteria (pending charges, nolle within 13 months, and current supervision) in addition to the passage of time since conviction. See *Eligibility*, State of Conn. Bd. of Pardons & Paroles (last visited Nov. 24, 2021). The board has discretion to grant or deny pardon, and while there is no mention of court debt in a long list of circumstances to be considered (e.g., rehabilitation, community service), the board is not prohibited from considering them. *Pardon FAQs*, State of Conn. Bd. of Pardons & Paroles (last visited Nov. 24, 2021). Under an automatic erasure law enacted in 2021, many misdemeanor convictions and some felony convictions will be sealed by operation of law without consideration of outstanding court debt. See Conn. Gen. Stat. § 54-142a(e) (effective Jan. 1, 2023).

Delaware requires payment of court debt to be eligible for discretionary, mandatory, and automatic expungement, but gives the court authority to waive fines or fees or convert them to a civil judgment: “To be eligible for an expungement under this subchapter, all fines, fees, and restitution associated with a conviction must be paid. However, if an outstanding fine or fee is not yet satisfied due to reasons other than willful noncompliance, but the person is otherwise eligible for an expungement, the court may grant the expungement and waive the fines or fees or convert outstanding financial obligations to a civil judgement.” Del. Code Ann. tit. 11, § 4372(l). However, neither this law nor any other appears to authorize waiver or conversion of restitution. In addition, because automatic and mandatory expungement do not involve court review, a person seeking to waive or convert fines or fees will presumably have to petition a court for relief.

Under the **District of Columbia** Code, a person is eligible for sealing after expiration of a waiting period “since the completion of the movant’s sentence.” D.C. Code § 16-803(a)(2). “Completion of the sentence” is defined to mean

that the person has been “unconditionally discharged from incarceration, commitment, probation, parole, or supervised release, whichever is latest.” *Id.* § 16-801(2). The statute does not define “unconditional discharge” or indicate that payment of court debt is required to obtain it. In considering whether to grant a motion to seal, the court is required to weigh various interests and may consider the applicant’s circumstances and history, including the applicant’s “efforts at rehabilitation,” and is not prohibited from considering outstanding court debt. *Id.* § 16-803(h).

In **Georgia**, record restriction and sealing is available for misdemeanors and most pardoned felonies. Ga. Code Ann. §§ 35-3-37(j)(7), (m). A pardon requires that a person “has completed his/her full sentence obligation, including serving any probated sentence and paying any fine. . . .” Ga. Comp. R. & Regs. 475-3-.10(3)(b). Record restriction and sealing for misdemeanors depends on completion of one’s sentence. Ga. Code Ann. §§ 35-3-37(j)(4)(A), (m). Completion of one’s sentence requires payment of certain fines. See Ga. Att’y Gen., Opinion Letter to Sec’y of State, Op. No. 84-33, 1984 WL 59904 (May 24, 1984) (“[W]here a fine is imposed where authorized by statute in addition to and independent of any sentence of probation, a person may not register and vote *until his sentence is complete in all aspects including the completion of the payment of the fine imposed.*” (emphasis added)). The law does not address the effect of other court debt, including restitution, but the court has discretion to deny relief if it finds that “the harm otherwise resulting to the privacy of the individual clearly outweighs the public interest in the criminal history record information being publicly available.” Ga. Code Ann. §§ 35-3-37(j)(4), (j)(6), (m).

While **Idaho** does not authorize expungement or sealing, it does authorize set aside and dismissal of charges for those who successfully complete probation. Idaho Code Ann. § 19-2604. A person is not eligible if the court finds or the person admits “in any probation violation proceeding that the defendant violated any of the terms or conditions of any probation that may have been imposed.” *Id.* § 19-2604(1)(b).

Illinois courts may not deny a petition for sealing due to outstanding court debt, except that unpaid restitution may be the basis for denial “unless the restitution has been converted to a civil judgment.” 20 Ill. Comp. Stat. Ann. 2630/5.2(d)(6)(C). It is unclear whether Illinois law authorizes such a conversion. Even if it does, however, the person who is owed restitution would have to file a petition in the sentencing court and conversion would be discretionary with the court. See 730 Ill. Comp. Stat. Ann. 5/5-6-2(e-5); see also 730 Ill. Comp. Stat. Ann. 5/5-5-6(m).

Indiana's expungement laws require the court to find that "the person has paid all fines, fees, and court costs, and satisfied any restitution obligation placed on the person as part of the sentence." Ind. Code §§ 35-38-9-2(e)(3), 35-38-9-3(e)(3), 35-38-9-5(e)(3).

Iowa's misdemeanor sealing law requires payment of all court costs, fees, fines, restitution, and any other financial obligations ordered by the court or assessed by the clerk of the district court. Iowa Code § 901C.3(1)(d); see also *id.* § 907.9 (full payment of court debt is required for discharge from probation).

In **Kansas** the eligibility waiting period for expungement runs from when the defendant "(A) satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, post-release supervision, conditional release or a suspended sentence." Kan. Stat. Ann. § 21-6614. While discharge does not appear to require payment of court debt, the court presumably may consider outstanding court debt as a factor in determining whether "the circumstances and behavior of the petitioner warrant the expungement" and whether "the expungement is consistent with the public welfare." *Id.* § 21-6614(h).

Kentucky conditions expungement on "the completion of the person's sentence, or . . . probation." Ky. Rev. Stat. Ann. § 431.073(2)(a). The court has discretion to grant a petition to expunge felonies, including discretion to inquire into the petitioner's "behavior since the conviction or convictions, as evidenced that he or she has been active in rehabilitative activities in prison and is living a law-abiding life since release," *id.* § 431.073(4)(a), and does not prohibit consideration of outstanding court debt, see *id.* ("[T]he applicant must prove . . . [a]ny other matter deemed appropriate or necessary by the court to make a determination regarding the petition for expungement is met."). However, expungement of misdemeanors and violations appears to be mandatory upon a determination of eligibility. *Id.* § 431.078(4). Application forms for pardon and restoration of civil rights ask whether the applicant has outstanding restitution or unpaid fines, suggesting that these may remain after completion of sentence or probation.

In **Louisiana**, it does not appear that payment of court debt is a part of qualification or consideration for expungement. The eligibility waiting period runs from when "the person completed any sentence . . . or period of probation or parole." La. Code Crim. Proc. Ann. arts. 977, 978 (emphasis added). For persons who satisfy eligibility criteria, relief appears to be mandatory. See *id.* art. 980(E)–(F) ("The objecting agency must show by a preponderance of the evidence why the motion of expungement should not be granted. If no objection is filed by an agency listed under Article 979 of this Code, the defendant may waive the contradictory hearing, and the court shall grant the motion to expunge

the record if the court determines that the mover is *entitled* to the expungement in accordance with law.” (emphasis added)); *State v. Kosden*, 34 So. 3d 521, 524 (La. Ct. App. 2010) (under a previous non-conviction expungement statute, with language similar to the current conviction expungement statutes regarding entitlement to relief, holding the trial court lacked authority under Louisiana law to deny expungement to an eligible petitioner, after trial court denied expungement on the grounds that “it would be contrary to public policy . . . [to grant the expungement based on] the circumstances and egregious nature of [the petitioner’s] involvement in the crime”).

In **Maryland**, the waiting period for expungement of specified misdemeanor and felony convictions runs from when “the person satisfies the sentence . . . including parole, probation, or mandatory supervision.” Md. Code Ann., Crim. Proc. § 10-110(a), (c). *Inter alia*, the court must consider the history and character of the person, the person’s success at rehabilitation, and whether the person is a risk to public safety. *Id.* § 10-110(f)(2). Eligibility for “shielding” (earlier relief available to a narrow set of misdemeanors) also depends on whether petitioner “satisfies the sentence . . . including parole, probation, or mandatory supervision.” *Id.* § 10-303(a). The court may grant a petition for shielding without a hearing “after taking into consideration any objections or additional information provided by the State’s Attorney or the victim.” *Id.* § 10-303(d)(2). Neither law prohibits the court from considering outstanding court debt.

In **Massachusetts**, waiting periods for sealing run from completion of “any period of incarceration, custody or probation” for most offenses. Mass. Gen. Laws ch. 276, §§ 100A, 100I. A court has “the discretion to grant or deny the petition based on what is in the best interests of justice,” and is not prohibited from considering outstanding court debt. *Id.* § 100G.

In **Michigan** eligibility waiting periods for set-aside and sealing run from imposition of the sentence, completion of the term of probation, discharge from parole, or release from incarceration, whichever is latest. Mich. Comp. Laws § 780.621d(1)–(3). The court presumably may consider outstanding court debt as a factor in assessing the “circumstances and behavior of [the] applicant” in deciding whether to grant relief, and is not expressly prohibited from doing so. *Id.* § 780.621d(13). Payment of court debt will not be required for set-aside and sealing under the new automatic relief law (enacted in 2020 and not yet implemented), where the eligibility waiting period runs from imposition of the sentence or release from confinement, except that a court may unseal the conviction if a person “has not made a good-faith effort to pay” restitution. *Id.* §§ 780.621g, 780.621h.

Minnesota courts are authorized to expunge (or seal, a term used interchangeably) the record after a waiting period running from “discharge,” Minn. Stat. Ann. § 609A.02 subdiv. 3, which may be “by order of the court following stay of sentence or stay of execution of sentence” or “upon expiration of sentence,” *id.* § 609.165 subdivs. 1, 2. Fines and restitution may be imposed as part of the sentence, and outstanding court debt may survive for a 10-year period after the “due date,” or until the end of probation, whichever is later. *Id.* §§ 609.10, 609.104, subdivs. 1, 2; Minn. Jud. Council, Minn. Jud. Branch Pol’y No. 209, Collection and Distribution of Revenues Policy (July 15, 2010). In making a discretionary determination on relief, the court will consider “the amount, if any, of restitution outstanding, past efforts made by the petitioner toward payment, and the measures in place to help ensure completion of restitution payment after expungement of the record if granted.” Minn. Stat. Ann. § 609a.03 subdiv. 5(b)(11).

Mississippi authorizes a petition to expunge a felony conviction upon payment of “all criminal fines and costs of court imposed in the sentence,” with an eligibility waiting period running from “the successful completion of all terms and conditions of the sentence.” Miss. Code Ann. § 99-19-71(2). Section 99-19-71(1) authorizes petitions to expunge a misdemeanor without similar qualifications.

Missouri law requires that a person seeking expungement must have “completed any authorized disposition,” and “satisfied all obligations relating to any such disposition, including the payment of any fines or restitution.” Mo. Rev. Stat. § 610.140(5)(1) and (3).

Montana’s eligibility period for misdemeanor convictions in which expungement is “presumed” runs from completion of the sentence “including payment of any financial obligations or successful completion of court-ordered treatment.” Mont. Code Ann. § 46-18-1107(1). Expungement for certain more serious misdemeanors will not be “presumed,” and the court shall consider certain factors including rehabilitation and “any . . . factor the court considers relevant.” *Id.* § 46-18-1108. The Montana Department of Justice interprets both of these statutes to require payment of court debt to qualify for expungement. *See Conviction Expungement Process*, Mont. Dep’t of Just. (last visited Dec. 1, 2021).

Nebraska does not authorize expungement or sealing, but it does authorize set-aside for those sentenced to probation, to a fine only, or to a term of imprisonment of one year or less, under certain conditions. Neb. Rev. Stat. § 29-2264.

Nevada’s eligibility waiting period for sealing runs from “discharge from parole or probation” or release from custody, whichever is later. Nev. Rev. Stat. § 179.245(1). There is a rebuttable presumption in favor of sealing, but this

presumption does not apply if a person was dishonorably discharged from probation. *Id.* §§ 179.2445, 176A.850. A person whose probation expires without payment of restitution is dishonorably discharged unless nonpayment was due to economic hardship. *Id.* § 176A.850. Unpaid restitution becomes a civil obligation regardless of economic hardship. *Id.* § 176A.850(3).

In **New Hampshire**, waiting periods for annulment run from completion of “all the terms and conditions of the sentence,” N.H. Rev. Stat. Ann. § 651:5(III), and restitution and fines may be imposed as part of the sentence, *id.* § 651:63. The State of New Hampshire Judicial Branch’s current form requires applicants to check that “All the terms and conditions of the sentence listed above have been completed, including the payment of any fine, restitution or other cost . . .” See *Petition of Eligibility for Annulment of Record Conviction: For Offenses Resolved 01/01/2019 or Later*, State of N.H. Jud. Branch, NHJB-3057-DSe (08/06/2019).

In **New Jersey**, the waiting period for traditional petition-based expungement runs “from the date of . . . most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later.” N.J. Stat. Ann. §§ 2C:52-2(a) (indictable offenses), 2C:52-3(b) (petty and disorderly offenses). A 2019 amendment to the expungement law provides that if the court-ordered financial assessment is “not yet satisfied due to reasons other than willful noncompliance,” and the waiting period is otherwise satisfied, the court may grant an expungement, and, if it does, it “shall enter a civil judgment for the unpaid portion of the court-ordered financial assessment.” *Id.* § 2C:52-2(a). In addition, violations of municipal ordinances may only be expunged if fines have been paid. *Id.* § 2C:52-4.

For petitions for expungement under a new “clean slate” expungement law, the court “shall” grant an expungement for an eligible petition despite outstanding court debt, and “shall” convert unpaid court-ordered financial assessments to a civil judgment. *Id.* §§ 2C:52-5.1, 2C:52-5.3. Under an authorized, but not yet implemented system for automatic “clean slate” expungements, when the court issues a sealing order it “shall also enter a civil judgment for the unpaid portion” of court-ordered financial assessments. *Id.* § 2C:52-5.2(a)(2).

New Mexico requires full payment of court debt as a condition of petitioning for expungement. N.M. Stat. Ann. § 29-3A-5(A) (“A person convicted of a violation of a municipal ordinance, misdemeanor or felony, following the completion of the person’s sentence and the payment of any fines or fees owed to the state for the conviction, may petition the district court in which the person was convicted for an order to expunge arrest records and public records related to that conviction.”). Restitution may also be a court-imposed condition of supervision along with fines, fees, and costs. *Id.* §§ 31-20-6, 31-21-10(E).

New York's eligibility waiting period for sealing runs from "the imposition of the sentence on the defendant's latest conviction or, if the defendant was sentenced to a period of incarceration . . . the defendant's latest release from incarceration." N.Y. Crim. Proc. Law § 160.59(5). The court has discretion to deny an application based on standards that include the applicant's extent of rehabilitation and the views of the victim, and is not prohibited from taking into account outstanding court debt. *Id.* § 160.59(7).

North Carolina expunction procedures require the court to find that the petitioner "has no outstanding restitution orders or civil judgments representing amounts ordered for restitution entered against the petitioner." N.C. Gen. Stat. § 15A-145.5(c2) (5); see also *id.* §§ 15A-145.6, 15A-145.9, 15A-1374. While there is no similar requirement for other court debt, courts have discretion to deny expungement on the merits for felonies, see *State v. Neira*, 840 S.E.2d 890, 892 (N.C. Ct. App. 2020), and are not prohibited from considering outstanding court debt.

North Dakota law provides eligibility for sealing after a conviction-free waiting period. N.D. Cent. Code § 12-60.1-02. A petitioner must have "completed all terms of imprisonment and probation for the offense" and "paid all restitution ordered by the court for commission of the offense." *Id.* § 12-60.1-04(1). The court has discretion to grant expungement if it finds, after applying specific criteria, that "the benefit to the petitioner outweighs the presumption of openness of the criminal record," and is not prohibited from considering other outstanding court debt. *Id.*

Ohio's sealing eligibility waiting periods range from three to five years after "final discharge" for felonies and misdemeanors. Ohio Rev. Code Ann. § 2953.32(A) (1)(b). "Final discharge" requires payment of restitution, and any other fine or fee imposed as a "sentencing requirement." *State v. Aguirre*, 41 N.E.3d 1178, 1182 (Ohio 2014); see also *id.* at 1179 ("[A] trial court may not seal an offender's record before the offender has completed all sentencing requirements, including any order to make restitution to third parties.").

Oklahoma's eligibility waiting period for felony expungement runs from the "completion of the sentence," and for misdemeanor expungement from the "end of the last misdemeanor sentence." Okla. Stat. tit. 22, § 18(A)(11)–(14). Misdemeanor fines less than \$501.00 must be paid to be eligible for expungement, *id.* § 18(A)(10); for larger fines and nonviolent felonies, the court debt requirements are unclear, *id.* § 18(A)(11)–(12); and for nonviolent felonies reclassified as misdemeanors, restitution is required and other types of court debt are not mentioned, *id.* § 18(A)(15). The court has discretion to grant or deny the petition, and is not prohibited from considering court debt, but the burden is on the state to show harm to the public outweighs harm to the defendant. *Waters v. State*, 472 P.3d 705, 707 (Okla. Civ. App. 2020).

Oregon authorizes set-aside and sealing, requiring that the person has “fully complied with and performed the sentence of the court.” Or. Rev. Stat. § 137.225(1)(a); *but see, e.g., Set Aside (Expunge) an Adult Criminal Record*, Linn County Circuit Court (last visited Nov. 24, 2021) (County court instructions stating that a person “must not owe money associated with criminal cases to the courts (restitution, court ordered fines, probation fees, etc.) when they apply to have their conviction set aside,” which uses broader language than the language of the statute (“fully complied with and performed the sentence of the court”)).

Pennsylvania in 2020 repealed a requirement that sealing (both petition-based and automatic) of misdemeanor convictions depends on payment of “each court-ordered financial obligation of the sentence,” but payment of restitution is still explicitly required for both petition-based and automatic sealing. 18 Pa. Cons. Stat. §§ 9122.1, 9122.2.

Rhode Island requires payment of court debt for expunging the record of a felony or misdemeanor conviction, but also provides that any outstanding court debt may be waived or reduced by court order where an applicant has shown “good character.” 12 R.I. Gen. Laws § 1.3-3(b)(1)(i) (“there are no criminal proceedings pending against the person; that the person does not owe any outstanding court-imposed or court-related fees, fines, costs, assessments, or charges, unless such amounts are reduced or waived by order of the court; and he or she has exhibited good moral character”). All applicants must also show that their “rehabilitation has been attained to the court’s satisfaction and the expungement of the records of his or her conviction is consistent with the public interest.” *Id.* § 1.3-3(b)(2).

In **South Carolina** the eligibility period for expungement for certain conviction records (carrying a penalty of not more than thirty days imprisonment or a fine of one thousand dollars, or both, excluding traffic offenses) runs from the date of conviction. S.C. Code Ann. § 22-5-910(A). The court has discretion whether to grant or deny relief, but no specific standards are provided and the court is not prohibited from considering outstanding court debt. *Id.* § 22-5-910(C).

South Dakota authorizes automatic removal from a defendant’s public record of any charge or conviction resulting from minor misdemeanors and petty offenses after five years, “if all court-ordered conditions on the case have been satisfied.” S.D. Codified Laws § 23A-3-34. Payment of fines, fees, and restitution may be ordered as conditions of probation or parole and, if they are, they must be satisfied in order to qualify for relief. *Id.* §§ 23A-27-18.3, 24-15-11, 24-15A-50. Compliance with the restitution plan, if any, is required for completion of probation or deferred adjudication, *id.* § 23A-28-7, and restitution obligation may be enforced by the court after the end of supervision. *Id.* § 23A-28-8.

In **Tennessee**, eligibility for expungement requires the person to have “fulfilled all the requirements of the sentence imposed by the court . . . including (i) Payment of all fines, restitution, court costs and other assessments.” Tenn. Code Ann. § 40-32-101(g)(2)(C)(i).

Texas requires an applicant for an Order of Non-Disclosure to complete the period of community supervision “including any term of confinement imposed and payment of all fines, costs, and restitution imposed.” Tex. Gov’t Code. Ann. §§ 411.073(b), 411.0735(b).

Utah requires all those seeking expungement by petition to show payment in full of “all fines and interest ordered by the court related to the conviction for which expungement is sought” and “all restitution ordered by the court under Section 77-38b-205 [“the court shall order a defendant, as part of the sentence imposed under Section 76-3-201, to pay restitution to all victims”].” Utah Code Ann. § 77-40-105(4). In addition, automatic “clean slate” expungement is unavailable if a “criminal judgment accounts receivable” has not been satisfied or has been entered as a civil judgment and turned over to the state debt collection office. *Id.* § 77-40-102(c).

In **Vermont**, an applicant for expungement or sealing must have “successfully completed the terms and conditions of the sentence,” and “paid in full” any “restitution and surcharges.” Vt. Stat. Ann. tit. 13, § 7602(b)(1)(A), (C). Fines and costs are not imposed as part of the sentence, and they are separately subject to collection by the court. *Id.* § 7180. By virtue of 2021 legislation, surcharges (but not restitution) may be waived “as part of an expungement or sealing proceeding where the petitioner demonstrates an inability to pay.” *Id.* § 7282.

Virginia enacted a sealing bill in 2021, effective in 2025, authorizing discretionary sealing for a broad range of misdemeanors and low-level felonies, and automatic sealing of a handful of minor misdemeanor convictions. A provision making satisfaction of court debt a prerequisite for relief was omitted from the final bill, and a provision added giving “any person authorized to engage in the collection of court costs, fines, or restitution” access to sealed records, which together indicate that debt is not an absolute barrier to sealing. See Va. Code Ann. § 19.2-392.13(C)(xi); see also *id.* § 19.2-392.5(F) (“An order to seal . . . shall not relieve the person . . . of any obligation to pay all fines, costs, forfeitures, penalties, or restitution in relation to the offense that was ordered to be sealed.”). While a court reviewing a petition for sealing could presumably consider outstanding court debt in determining whether or not to grant relief, convictions eligible for automatic sealing will not be subject to such a review.

In **Washington**, court debt need not be paid to obtain a certificate of discharge necessary to vacate a felony conviction if five years have passed since

completion of non-financial conditions of the sentence. Wash. Rev. Code § 9.94A.637(4). Somewhat anomalously, all court debt must be paid for vacatur of misdemeanor convictions. *Id.* § 9.96.060(f)(iv).

West Virginia requires petitioners for expungement to have completed “any sentence of incarceration or . . . period of supervision.” W. Va. Code § 61-11-26(b)(1). Petitioner must establish “by his or her behavior since the conviction or convictions . . . that he or she has been rehabilitated and is law-abiding.” *Id.* § 61-11-26(h)(4). The application must inform the court whether there is “any current order for restitution, protection, restraining order, or other no contact order,” but the court is neither required to nor forbidden from taking outstanding court debt into account. *Id.* § 61-11-26(d)(7).

Wyoming requires a petitioner for expunging a felony to show “the expiration of the terms of sentence imposed by the court, including any periods of probation,” the “completion of any program ordered by the court,” and that “[a]ny restitution ordered by the court has been paid in full.” Wyo. Stat. Ann. § 7-15-1502(a)(i)(A), (C). The misdemeanor expungement statute requires only that an applicant have completed their sentence including probation. *Id.* § 7-13-1501.