



Commonwealth of Kentucky Justice & Public Safety Cabinet

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FOR IMMEDIATE RELEASE

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Reform Advocate has Felony Expunged Under New Kentucky Law

West Powell is among the first in Kentucky to have a Class D felony vacated from his record

FRANKFORT, Ky. (July 18, 2016) – When he stole some car radios as a young man, West Powell had no idea what the sometimes devastating impact of being labeled a felon would have on his life. Though he served months in prison for the crime, he spent many years dealing with the aftermath of having a felony on his record – hindered in job choices, not being able to vote.

But thanks to a new law that took effect July 15, Powell is now one of the first in Kentucky to have a Class D felony expunged from his record. A Campbell County Circuit Court judge approved the expungement Monday.

“When I was a kid, I didn’t really understand the ramifications of that, but later on in life it came back to bite me so many times,” said Powell, who has been an advocate for the new felony expungement law. “It really, really disables you in a lot of ways that you don’t think about. Having that off my record is going to be a big help. It’s just a weight lifted off me.”

The changes are the result of House Bill 40, which passed in the 2016 General Assembly and was signed into law by Gov. Matt Bevin. It provides certain low-level felons an opportunity to file a motion in court to have a conviction vacated and expunged. If granted, the original judgment will be vacated and the charges dismissed. Then records held by any other agency or official will be expunged.

Powell wants others who may qualify for felony expungement to be able to clear their records as well, so he’s helping to spread the word.

Gov. Bevin’s office has partnered with the Justice and Public Safety Cabinet, the Administrative Office of Courts (AOC), Kentucky State Police, the Department of Public Advocacy and Clean Slate Kentucky to put together a video featuring Powell, which will help answer questions about the expungement process and point people toward resources.

The video can be seen at <https://youtu.be/oOevZ8XQPuo>.

“Expanding expungements to certain felonies opens doors for a whole new group of people trying to put a crime behind them and move on with productive lives,” said John Tilley, Secretary of the Justice and Public Safety Cabinet. “This effort will strengthen our workforce, families and communities, as we give people a

chance to free themselves from the stigma that comes with being a felon. We thank Gov. Bevin for his leadership on this issue.”

HB 40 was sponsored by Rep. Darryl Owens, chairman of the House Judiciary Committee, and it passed with bipartisan support in the legislature this year.

“This law will give life changing opportunities to tens of thousands of Kentuckians who will now be able to – once their application is completed – throw off the shackles of their felony conviction,” Rep. Owens said. “Their quality of life will improve exponentially, and our commonwealth will reap the rewards of a new population of viable employees, volunteers and economic prosperity.”

Sen. Whitney Westerfield, chairman of the Senate Judiciary Committee, said that "like many policy milestones, felony expungement was a long time in the making. But now tens of thousands of Kentuckians can benefit from that hard work. For those that have gone on to do exactly what we ask of every defendant in the criminal justice system — not break the law anymore — there is a chance at redemption. I am proud to have helped author HB 40 to allow a second chance for those who deserve one, making a positive impact in their lives, their families and communities."

Over the past few months, the AOC has been preparing for the high volume of petitioners that are expected as a result of the new law. The office has created new legal forms and updated its electronic case management systems, as well as made changes to the eFiling program so that attorneys can file expungement cases electronically.

Information, including forms and answers to frequently asked questions, can be found on the Kentucky Court of Justice website at <http://courts.ky.gov/expungement/Pages/default.aspx>.

Additionally, the Kentucky Association of Criminal Defense Lawyers, the Department of Public Advocacy, Clean Slate Kentucky and legal aid organizations have partnered to host a series of expungement information sessions throughout the Commonwealth in the coming weeks. For information on those events, visit <http://www.cleanslatekentucky.com>.

The AOC has urged people to use patience when applying for expungements, a process that involves several steps and multiple agencies. A high volume of applications is expected, and the process could take several months.

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