

1033 State Survey Summary

Draft of October 8, 2026

Jurisdiction-Level Treatment Counts

 Included

 Excluded

 No response

Sealed records



23 included (52%)
21 excluded (48%)

Expunged convictions



10 included (23%)
32 excluded (73%)
1 no response

Pleas in abeyance



33 included (75%)
6 excluded (14%)
4 no response

Rationale: Sealed Records

Inclusion Rationale

- Sealing generally limits access or public visibility, but does not necessarily erase the underlying conviction or finding of guilt.
- Several jurisdictions indicated they may have statutory access to sealed records for licensing or enforcement purposes.
- A recurring distinction was that a sealed record is not the same as an expunged or vacated conviction.

Exclusion Rationale

- Some state statutes limit inspection or deem sealed records not reportable or not to have occurred for licensing disclosure purposes.
- Some jurisdictions stated they cannot view sealed records or that sealed records do not appear on background checks.
- Several responses emphasized deference to state-specific criminal procedure and disclosure laws.

Rationale: Expunged Convictions

Inclusion Rationale

- Some jurisdictions focused on the phrase “has been convicted,” treating expungement as not changing the historical fact of conviction.
- Some responses noted that if a finding of guilt remains available in a licensing review, it may still be considered.
- A few jurisdictions noted state-specific exceptions, including occupational licensing access for certain offenses.

Exclusion Rationale

- The dominant rationale was that expungement removes, destroys, erases, or legally sets aside the conviction.
- Several jurisdictions stated that an expunged record is treated as if the conviction never occurred or may be answered as “no.”
- Access limitations were also cited: some agencies cannot obtain expunged records or do not consider them convictions.

Rationale: Pleas in Abeyance / No Contest / Diversion

Inclusion Rationale

- No contest / nolo contendere pleas were frequently treated as convictions under state law or the NAIC Uniform Application definition.
- Several jurisdictions focused on whether the court accepted a plea, entered a finding of guilt, or sentenced the individual.
- Some jurisdictions included diversion or deferred arrangements where a plea was entered or punishment/probation was imposed.

Exclusion / Limited Rationale

- Several jurisdictions excluded pleas in abeyance where they do not result in a true conviction or final adjudication under state law.
- Multiple jurisdictions distinguished completed diversion or deferred prosecution that ends in dismissal without a conviction.
- Several responses were outcome-dependent: the plea matters less than whether a conviction, judgment, or finding of guilt entered.

Jurisdiction-Level Counts for Potential Administrative Actions

 Yes  No  No response

Would issue 1033 if home state did not issue due to differing definition?



20 yes / 24 no

Would take administrative action if applicant did not disclose all history?



31 yes / 10 no / 3 no response