Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2015 Regular Session

Part I: Measure Information

Bill Request #: 6			
Bill #: _HB 126			
Bill Subject/Title: _	AN ACT relating to dru	g court.	
Sponsor: Represent	ative John Tilley		
Unit of Government:	X City	X County	X Urban-County Unified Local
	X Charter County	X Consolidated Local	
Office(s) Impacted: Local law enforcement agencies holding criminal records			
Requirement: X	Mandatory Opti	ional	
Effect on Powers & Duties: X	Modifies Existing _	X Adds New El	iminates Existing

Part II: Purpose and Mechanics

HB 126 amends KRS 26A.400 to allow courts to expunge drug-related offenses for which a person was admitted into a drug court program two years after the individual's satisfactory completion and graduation from the program; provided that there are no felony or misdemeanor charges and/or convictions between graduation and the filing of the expungement petition.

Expungement may not be granted for a capital offense, a Class A or B felony, or a violation of KRS 189.520 or 189A.010 and may occur only once for any individual. Notification and the opportunity to be heard shall be given to the prosecutor and any identified victim of the offense, consistent with KRS 431.078, prior to the expungement hearing.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

Of the 809 drug court graduates in fiscal year 2012 (the most recent year in which participants' records would be eligible for expungement), 547 graduates would qualify under the provisions of HB 126 (53 of the 600 graduates with no subsequent misdemeanor or felony convictions would be disqualified due to the type of original

conviction). Applying the same percentage to the 4,589 graduates from inception of the drug court program through fiscal year 2011 would provide an estimate of 3,100 additional individuals that would qualify for expungement.

The fiscal impact of HB 126 on local government is expected to be minimal.

Local jails transfer custody of records upon release of inmates and will be unaffected. For local law enforcement agencies, there may be a minimal impact on clerical staff. It takes about thirty minutes to expunge a paper record versus less than five minutes for computerized records. As more records are computerized, expungement processing times will decrease.

Data Source(s): Administrative Office of the Courts and Kentucky Association of Chiefs of

Police

Preparer: Katherine L. Halloran Reviewer: MCY Date: 2/4/15