



providing that in any judicial or administrative proceeding alleging negligence or other fault in the hiring retaining, licensing, certifying, admitting to a school or program, or otherwise transacting business or engaging in activity with a person, no information relating to a criminal charge against or conviction of that person that has been expunged before the occurrence of the act giving rise to the judicial or administrative proceeding may be introduced.

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

**The fiscal impact of HB 40 GA 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 as it takes about thirty minutes to expunge a paper record.** As time passes, there will be more expungement of computerized records, which takes no more than five minutes.

**Although the local government fiscal impact of HB 40 GA is indeterminate (due to the impossibility of predicting a percentage of those who may petition to have a record expunged) the fiscal impact of HB 40 GA on units of local governments is expected to be minimal.** The Kentucky State Police reports that according to the Kentucky Department of Corrections, the 10-year average number of cases involving Class D felony convictions (with statutory exclusions) is 15,800. The Kentucky State Police also estimates that there could be approximately 174, 068 Class D felony convictions eligible for retroactive expungement. The majority of sex offense convictions, or an offense under KRS Chapter 209, or an offense committed against a child was excluded from the above data.

**Data Source(s):** Administrative Office of the Courts, Kentucky State Police, Kentucky League of Cities, Kentucky Department of Corrections, Kentucky Jailers Association, Kentucky Association of Chiefs of Police, Frankfort City Police Department

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