

A victim of identity theft who is currently facing criminal charges as a result of this theft may petition for an expedited order of expungement.

Section 2 amends KRS 527.040 to state that when a felon has had his or her records expunged pursuant to Section 1, that person shall not be convicted of possession of a firearm by a convicted felon.

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

The fiscal impact of HB 256 GA on local governments is expected to be a slight increase in costs for local law enforcement and local jails.

At present, KRS 431.078 permits the expungement of misdemeanor, violation, and traffic infraction records of convictions and dismissed or amended charges. According to the Frankfort City Police Department, the Department conducts 10 to 15 expungements each month. When a court order to expunge a record is received, a records clerk conducts a file search. If the record is recent, he or she finds it on a computer. The clerk marks that record “expunged,” and only persons authorized to access expunged records are able to retrieve it thereafter. If the record is older, identifying information is deleted from the card file index, and the file itself is removed and stored in a secure place at the police station. It takes about 30 minutes to expunge an older record and no more than five minutes to expunge more recent records which are computerized. As time goes on, more and more computerized records will be expunged, and far fewer older records will be expunged.

It is anticipated that the expungement of records under Section 1 of HB 256 GA will result in a slight increase in costs for local law enforcement and local jails. Identity theft is a serious problem. However, extrapolating from the number of expungements under KRS 431.078, a limited number of identity theft victims will be charged with a crime and have to seek expungement. Most of the expungements will require no more than five minutes of an employee’s time due to computerization.

Data Source(s): Frankfort City Police Department; Kentucky Jailers Association; LRC Staff

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