## Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2016 Regular Session

## **Part I: Measure Information**

Bill Request #: 1590
Bill #: SB 298
Bill Subject/Title: An ACT relating to felony expungement.
Sponsor: Sen. Robert Stivers II
Unit of Government:   x City x County x Urban-County Unified Local x Charter County x Consolidated Local x Government
Office(s) Impacted:  County attorneys and all local prosecutorial and law enforcement agencies holding records of Class D felony charges and convictions
Requirement:x Mandatory Optional
Effect on  Powers & Duties:x _ Modifies Existingx _ Adds New Eliminates Existing
Part II: Purpose and Mechanics

Under current law (KRS 431.078), a person convicted of **a misdemeanor or a violation**, or a series of misdemeanors or violations arising from a single incident, may petition the court in which that person was convicted for expungement of his or her misdemeanor or violation record; as long as the offense was not a sex offense or an offense committed against a child.

SB 298 is similar (in purpose) to HB 40 of the 2015 Session of the General Assembly. It provides eligibility criteria and procedures for expunging an individual's records relating to a **Class D felony** charge or conviction. Fifty-seven (57) specific statutes that provide for Class D felony penalties are identified as offenses (and related charges and convictions) that are eligible for record expungement.

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

The fiscal impact of SB 298 on local government is the same as for HB 40 of the 2015 Session of the General Assembly and 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 not more than five minutes.

Although the local government fiscal impact of SB 298 is indeterminate (due to the impossibility of predicting a percentage of those who may petition to have a record expunged) the fiscal impact of SB 298 on units of local governments is expected to be minimal.

The Kentucky State Police reported in 2014 that (according to the Kentucky Department of Corrections) the 10-year average number of cases involving Class D felony convictions (with statutory exclusions) was 15,800. The Kentucky State Police also estimated 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. An update of these statistics has been sought.

**Data Source(s):** Administrative Office of the Courts, Kentucky State Police, Kentucky

<u>League of Cities, Kentucky Department of Corrections, Kentucky Jailers</u> Association, Kentucky Association of Chiefs of Police, Frankfort City

Police Department

**Preparer:** H. Marks **Reviewer:** JWN **Date:** 3/7/16