

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2019 REGULAR SESSION
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Amend printed copy of **SB 57/HCS 1**

On page 1, line 20, by deleting "or 508.032, breach" and inserting in place thereof "508.032, or 519.055, abuse";

On page 1, line 27, by deleting the following: "pursuant to subsection (1)(a), (b), or (c) of this section";

On page 2, by deleting lines 5 through 9 in their entirety;

On page 2, line 10, by deleting "(c)" and inserting in place thereof "(b)";

On page 2, line 24, by deleting "(d)" and inserting in place thereof "(c)";

On page 2, by deleting lines 25 to 27 and inserting in place thereof: "grossly incomplete, the court shall order the person or agency originating the application to supplement the application.";

On page 3, lines 17 to 18, by deleting "a preponderance of the" and inserting in place thereof "clear and convincing";

On page 4, line 19, after the word "and", by inserting ", upon full payment of the fee in subsection (10) of this section,";

Beginning on page 4, line 22, and continuing through page 5, line 9, by deleting these lines in their entirety and inserting in place thereof:

"(a) The person had not, after the effective date of this Act, ~~previously~~ had a felony conviction vacated and the record expunged pursuant to this section;

Amendment No. HFA 4

Rep. Rep. C. Ed Massey

Committee Amendment

Signed: _____

Floor Amendment

LRC Drafter: Trebelhorn, Matt

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

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- (b) The person had not in the five (5) years prior to the filing of the application to have the judgment vacated been convicted of a felony or a misdemeanor; ~~and~~
- (c) No proceeding concerning a felony or misdemeanor is pending or being instituted against the person; and
- (d) For an application pursuant to subsection (1)(d) of this section, the person has been rehabilitated and poses no significant threat of recidivism.”;

On page 5, line 18, after the words "vacated and", by inserting "upon full payment of the fee in subsection (10) of this section,";

On page 6, line 14, by deleting "one" and inserting in place thereof "two";

On page 6, line 14, by deleting "(\$150)" and inserting in place thereof "(\$250)";

On page 6, line 18, beginning with the word "If", and continuing through the end of line 20, by deleting all text and inserting in place thereof:

"The applicant shall be given notice of the total amount due, the payment frequency, and the date by which all payments must be made. The notice shall state that the expungement cannot be completed until full payment is received, and that if the applicant has not completed the installment payment plan by the scheduled date, he or she shall appear on that date to show good cause as to why he or she is unable to satisfy the obligations. Notwithstanding provisions of KRS 534.020 to the contrary, no applicant shall be ordered to jail for failure to complete an installment plan ordered pursuant to this section."; and

On page 9, by deleting lines 21 to 26 and inserting in place thereof:

- "(a) Ten percent (10%) shall be distributed to the Department for Libraries and Archives;
- (b) Forty percent (40%) shall be distributed to the Department of Kentucky State Police;
- (c) Forty percent (40%) shall be equally distributed among the offices of

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Commonwealth's attorneys; and

(d) Ten percent (10%) shall be shall be distributed to Administrative Office of the Courts to be deposited into the trust and agency account for deputy circuit clerks along with the fee established in subsection (10) of Section 1 of this Act."