

Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2017 Regular Session

Part I: Measure Information

Bill Request #: 1360

Bill #: SB 195 HCS

Bill Subject/Title: An ACT relating to expungement of juvenile records.

Sponsor: Senator Whitney Westerfield

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
Government

Office(s) Impacted: All local law enforcement and prosecutors offices

Requirement: Mandatory Optional

Effect on

Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

SB 195 HCS retains the original provisions of SB 195 GA and limits expungement of felonies. It allows discretionary expungement unless the county attorney establishes that a child is ineligible. Specifically, SB 195 HCS amends KRS 610.330 to expand the expungement and sealing of juvenile records (to include felony offenses). The bill lists the condition under which expungement may not be granted, and provides that a court “may” (as opposed to “shall”) order an adjudication vacated and records expunged under certain conditions. SB 195 HCS provides that persons whose records are expunged shall not have to disclose the fact in any matter relating to employment, credit or other applications.

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

The fiscal impact of SB 195 HCS on a local government will be minimal, and indeterminate due to the impossibility of predicting the number of records that may be expunged, or the number of those who may seek to have a record expunged. 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 expungements of computerized records, which take not more than five minutes.

Data Source(s): Kentucky Association of Jailers; Kentucky Sheriffs Association; Kentucky Association of Chiefs of Police; Kentucky County Attorneys Association

Preparer: H. Marks **Reviewer:** KHC **Date:** 3/9/17