Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 858					
Bill #: HB 159 HCS					
Document ID #: 4601					
Bill Subject/Title: AN ACT relating to expungement of criminal records.					
Sponsor: Representative Jason Petrie					
Unit of Government: x City x County x Urban-County Unified Local x Charter County x Consolidated Local x Government					
Office(s) Impacted: Local law enforcement offices					
Requirement:x Mandatory Optional					
Effect on Powers & Duties:x _ Modifies Existingx _ Adds New Eliminates Existing					

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 159 HCS amends KRS 431.076 to create automatic expungement of acquittals and dismissals with prejudice occurring after the effective date of the Act, and allows expungement of past acquittals and dismissals with prejudice by petition. It allows discretionary expungement of felony charges held to the grand jury which have not resulted in an indictment after 12 months if the prosecutor does not show good cause why the court should not order an expungement of records. HB 159 HCS requires that an order of expungement shall expunge all records in the custody of the court and any records in the custody of any other agency or official, **including law enforcement records**.

The fiscal impact of HB 159 HCS on local governments will be minimal, and indeterminate due to the impossibility of predicting a percentage of those who may have their records expunged. Local jails transfer custody of records upon release of inmates and will be unaffected. For local law enforcement agencies, there will be a minimal impact as expungements of paper records takes about 30 minutes and computerized records takes not more than five minutes.

Part III: Differences to Local Government Mandate Statement from Prior Versions

HB 159 HCS retains subsections (1) and (2) of Section 1 of HB 159 as introduced. HB 159 HCS substitutes in-lieu-thereof provisions of Section 1 subsections 3-7 of the bill as introduced by allowing expungement of past acquittals and dismissals with prejudice by petition. HB 159 HCS allows discretionary expungement of felony charges held to the grand jury which have not resulted in an indictment after 12 months if the prosecutor does not show good cause why the court should not order an expungement of records. HB 159 HCS requires that an order of expungement shall expunge all records in the custody of the court and any records in the custody of any other agency or official, including law enforcement records.

The fiscal impact of HB 159 HCS is identical to the impact of HB 159.

Data Source(s):	<u>Kentucky Jaile</u>	rs Association; Kentuc	ky Association of	Chiefs of Police;

Kentucky Sheriffs Association

Preparer: H. Marks Reviewer: KHC Date: 2/21/19