Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 61
Bill #: SB 57 SCS
Document ID #: 4720
Bill Subject/Title: AN ACT relating to expungement and making an approriation therefor.
Sponsor: Senator Jimmy Higdon
Unit of Government: x City x County x Urban-County Unified Local
<u>x</u> Charter County <u>x</u> Consolidated Local <u>x</u> Government Office(s) Impacted: Local Law enforcement
Requirement:x Mandatory Optional
Effect on Powers & Duties:x _ Modifies Existing Adds New Eliminates Existing

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

SB 57 SCS amends KRS 431.073 to allow discretionary expungement of Class D felonies with a ten-year waiting period. The Act amends KRS 431.076 to allow a person against whom charges have been dismissed with prejudice to petition for expungement and sets time limits for filing petitions. SB 57 SCS amends KRS 431.079 to require a certificate of eligibility only if a petition or application seeks expungement of a conviction. A new section of KRS Chapter 431 creates an expungement fund and specifies the money from the fund be distributed to the Department for Libraries and Archives, the Department of State Police, and the offices of Commonwealth's attorneys.

The fiscal impact of SB 57 SCS 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 not more than 30 minutes and computerized records take not more than five minutes.

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

SB 57 SCS retains the original provisions of SB 57 and excludes expungement of violations of KRS 189a.010 or 508.032 and also excludes expungement of offenses in breach of public office. SB 57 SCS allows Commonwealth's attorneys to reject grossly incomplete applications (and require additional information) and establishes the findings that an applicant must prove by clear and convincing evidence before an expungement is granted, and requires that an applicant poses no significant threat of recidivism. SB 57 SCS will result in increased expungements similar to SB 57 and thus, the fiscal impact on law enforcement will be essentially the same as SB 57.

Data Source	(s): Kentucky	Kentucky Jailers Association; Kentucky Association of Chiefs of Police;				
	Kentucky	y Sheriffs Association;	Kentucky De	partment of Correct	tions	
Prenarer:	H. Marks	Reviewer:	KHC	Date:	2/22/19	