Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 245
Bill #: HB 327 SCS
Document ID #:
Bill Subject/Title: AN ACT relating to expungement of criminal records.
Sponsor: Representative Kevin Bratcher
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
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

HB 327 SCS 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 or in an information filed by the Commonwealth's Attorney.

The fiscal impact of HB 327 SCS on local governments is indeterminate and minimal due to the impossibility of predicting a percentage of those who may have records 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 manual expungements take less than 30 minutes, and computerized records take not more than five minutes to complete.

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

The fiscal impact of HB 327 SCS is the same as that of HB 327 GA. HB 327 SCS retained original provisions of HB 327 GA and made exempt records of the Department for Community Based Services. It limited expungement to criminal records and excluded other records. It allows discretionary expungement of felony charges held to the grand jury which have not resulted in an indictment or in an information filed by the Commonwealth's Attorney.

HB 327 HCS Clarified that "criminal charges" shall not include traffic infractions not otherwise classified as misdemeanors or violations". HB 327 GA was passed with Floor Amendment 1 to HB 307 HCS that clarified that cases which proceed by information instead of indictment are not eligible for expungement.

Data Source(s): Kentucky Jailers Association; Kentucky Sheriffs Association; Kentucky

Association of of Chiefs of Police

Preparer: H. Marks Reviewer: KHC Date: 3/13/20