Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

Part I: Measure Information

Bill Request #: 985			
Bill #: SB 33 GA	_		
Document ID #: 4182	_		
Bill Subject/Title: AN ACT	T relating to expunge	ment.	
Sponsor: Senator Jimmy Hi	igdon		
Unit of Government: X C	City <u>X</u>	County	X Urban-County Unified Local
Office(s) Impacted: Count agence	ty attorneys and all lo	Consolidated Local cal prosecutorial and l f charges subject to enl	aw enforcement
Requirement: X Manda	atory Optional		
Effect on Powers & Duties: X Mod	lifies Existing X	Adds New Eli	minates Existing

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

Under current law (KRS 431.078), a person convicted of a misdemeanor or a violation, or a series of misdemeanors or violations arising from a single incident, may petition the court in which that person was convicted for expungement of his or her misdemeanor or violation record, as long as the offense was not a sex offense or an offense committed against a child. The current law, however, does not have provisions for expungement in the event that the offense may be enhanced with additional penalties without an expiration timeframe for enhancement eligibility.

SB 33 amends the statute to permit a person convicted of an offense that is subject to enhancement on an indefinite basis to petition the court for expungement, provided a period of at least five years has lapsed since the date of the offense, unless the offense is subject to enhancement to a felony. If the offense is subject to enhancement to a felony and the individual is not convicted of any misdemeanor or felony in the ten year period

prior to the filing of the petition, an individual may petition the court for expungement provided a period of at least ten years has lapsed since the date of offense.

The fiscal impact of SB 33 on local government is indeterminate due to the impossibility of predicting a percentage of those who may have records expunged; however, it is expected to be minimal. Local jails transfer custody of records upon release of inmates and will be unaffected. Local law enforcement agencies may realize a minimal impact as manual expungements take less than 30 minutes, and computerized records take not more than five minutes to delete.

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

Part II, above, pertains to the GA version of the bill. The introduced bill was amended by SFA 1 and SFA 2. The fiscal impact remains the same as the mandate for the bill as introduced.

SFA 1 amends the bill to increase the period of time an individual must wait to petition the court for expungement from five years to ten years if the offense is subject to enhancement to a felony.

SFA 2 amends the bill to require an applicant's criminal record to be void of convictions for any misdemeanor or felony in the ten years prior to filing the petition if the offense is subject to enhancement to a felony.

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

Association of Chiefs of Police

Preparer: K. Sallee/MS Reviewer: CHM Date: 2/21/22