

entered to see if there are any objections to the expungement. If no objection is noted within sixty (60) days, the court is required to order the judgments vacated; dismiss the charges with prejudice; and order all records in the custody of the court or any other agency/official, including law enforcement records, to be expunged. The order expunging the records shall not require any action by the person and the court shall notify the person of the expungement. If an objection is made within the sixty (60) day time period, the court shall notify the person that the offense is not eligible for expungement pursuant to this section, but that it is eligible for expungement by application pursuant to KRS 431.073.

Within thirty (30) days of an expungement order criminal history providers shall remove the record from their databases.

HB 569 would have a negligible fiscal impact on local governments. Local courts and local law enforcement agencies currently have procedures in place to deal with the expungement of convictions. While there will be more eligible convictions being expunged, existing procedures and increased training, which could be incorporated into existing training, could allow local governments to deal with the increased number of expungements.

LRC reached out to the Kentucky League of Cities (KLC) and KLC responded that HB 569 as proposed would increase administrative burdens on local agencies.

Upon the local government's receipt of the court order to expunge records, the local agency would be responsible for locating and properly disposing of the records that will be expunged. The administrative burden would be its greatest at the initial implementation of the new policy because most of these records would be hard copies, which would require a greater time commitment to sort through and identify. This task would be greatest for smaller local agencies that may need to hire additional staff or work additional hours to complete it in a timely manner as expungements will come at a steady pace. Over time, this may become easier as these records may be in digital format based on the transition over the years from hard copy records to digitized records. Presently, these records may already be in digital form for larger local agencies. As a result, they may experience a smaller administrative burden despite having a greater number of records.

LRC staff also reached out to the Kentucky Association of Counties (KACo). If KACo provides information this mandate statement may be amended.

Data Source(s): LRC Staff. Kentucky League Of Cities

Preparer: Bart Liguori (RB) **Reviewer:** KHC **Date:** 3/8/24