

HB 1889 -- Expungement

SPONSOR: Dogan

Current law requires a \$100 surcharge to be paid for petitions for expungement of criminal records. This act raises the amount of the surcharge to \$500 and provides that the judge may waive the surcharge if the petitioner is indigent.

Under current law, a person may petition the court in which the person was found guilty for the expungement of records relating to a list of specified offenses. This act repeals the limitation on the number of petitions per circuit court, allows a person who was arrested but not sentenced to apply for expungement, and allows a person to petition, over the course of a lifetime, for the expungement of records for any offense other than a felony offense. This act modifies the information that must be on the petition and repeals a provision of current law requiring the court to dismiss a petition if all the required information is not included.

This act requires the Office of State Courts Administrator to create a form for pro se petitioners seeking expungement.

Current law requires the petitioner to name as defendants any entity that has records related to the offense the petitioner is seeking to have expunged. This act repeals that requirement and requires the court to provide notice to the office that prosecuted the violations or offenses.

Under current law, entities possessing records relating to an expunged offense must destroy the records. This act provides that the entities must seal, not destroy, the records.

This act repeals a provision prohibiting a person whose petition was dismissed from refiling another petition for a year after the date of filing the initial petition.

This bill is similar to SB 588 (2016).