

HB 1776 -- POSTCONVICTION PROCEDURES

SPONSOR: Ellington

Currently, certain offenders committed to the Department of Corrections may receive additional credit upon recommendation by the offender's institutional superintendent when the offender meets certain requirements specified in the bill. This bill specifies that such offenders shall instead receive additional credit, according to the provisions specified in the bill, if the offender meets the certain requirements, and it removes the requirement that the institutional superintendent recommend such credit.

The bill also revises the requirements relating to the policy for awarding credit, and it requires the department to adopt rules specifying programs or activities for which credit may be earned as well as creating criteria relating to participation in and completion of such programs or activities.

The accumulated credit of every offender shall be tallied monthly and maintained by the institution where the term of imprisonment is being served. A record of such accumulated credit shall be sent to the records office of the department on a quarterly basis, forwarded to the Division of Probation and Parole, and provided to the offender.

Additionally, the bill repeals the section relating to expungement of criminal records, which goes into effect January 1, 2018, and it restores the current expungement statute, as far as enumerating the types of offenses eligible for expungement, but the bill makes changes to the types of offenses eligible for expungement. Under this bill, all nonviolent offenses, including nonviolent drug offenses, and all misdemeanor offenses are eligible for expungement. The bill also changes the criteria for expungement eligibility and the length of time a petitioner must wait before filing a petition for expungement.