



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0418/1
CMH:amn&wlj

2017 SENATE BILL 53

February 21, 2017 - Introduced by Senators VUKMIR, WANGGAARD, DARLING, HARSDF, KAPENGA, FEYEN, RISSER and L. TAYLOR, cosponsored by Representatives SANFELIPPO, KLEEFISCH, R. BROOKS, DUCHOW, GANNON, BORN, SKOWRONSKI, EDMING, OTT, TITTL, KRUG, E. BROOKS, FIELDS and C. TAYLOR. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to amend** 20.625 (1) (g), 950.04 (1v) (g), 973.015 (1m) (a) 1. and 973.015
2 (1m) (b); and **to create** 973.015 (1m) (a) 3. c. and 973.015 (1m) (c) of the statutes;
3 **relating to:** expungement of certain offenses committed before the age of 25
4 and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, a court may order that a record be expunged of certain offenses that a person committed before the age of 25. Current law specifies that the expungement order must be made only at sentencing and then the record is expunged when the person completes his or her sentence. This bill eliminates, for most offenses, the requirement that the sentencing court make the expungement order and requires instead that such a person may petition the court for expungement no sooner than one year after completing his or her sentence. Under this bill, the fee for filing the petition is \$100.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 20.625 (1) (g) of the statutes is amended to read:

SENATE BILL 53**SECTION 1**

1 20.625 (1) (g) *Sale of materials and services.* All moneys received, other than
2 from state agencies, by circuit courts from the sale of materials or services and under
3 s. 973.015 (1m) (a) 1., for general program operations of the circuit courts.

4 **SECTION 2.** 950.04 (1v) (g) of the statutes is amended to read:

5 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
6 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
7 938.27 (4m) and (6), 938.273 (2), 971.095 (3) ~~and~~, 972.14 (3) (b), and 973.015 (1m) (c).

8 **SECTION 3.** 973.015 (1m) (a) 1. of the statutes is amended to read:

9 973.015 (1m) (a) 1. Subject to subd. 2. ~~and except as provided in subd. 3., when,~~
10 if at least one year has passed since a person is successfully completed the sentence
11 for a crime committed when the person was under the age of 25 at the time of the
12 commission of an offense for which the person has been found guilty in a court for
13 violation of a law for which the maximum period of imprisonment is 6 years or less,
14 and the person has not been convicted of a crime since successfully completing the
15 sentence and there are no criminal charges pending against the person, the person
16 may file, in each county of conviction, a petition designed by the director of state
17 courts requesting that the record of the crime be expunged. The person shall pay to
18 the clerk of circuit court a \$100 fee for each petition filed. Upon receipt of the petition,
19 the court shall schedule a hearing to review the petition. At the hearing, the court
20 may order at the time of sentencing that the record be expunged upon successful
21 completion of the sentence only if subd. 3. does not apply and if the court determines
22 the person will benefit and society will not be harmed by this disposition.

23 (d) This subsection does not apply to information maintained by the
24 department of transportation regarding a conviction that is required to be included
25 in a record kept under s. 343.23 (2) (a).

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1 **SECTION 4.** 973.015 (1m) (a) 3. c. of the statutes is created to read:

2 973.015 (**1m**) (a) 3. c. A crime for which the maximum period of imprisonment
3 is more than 6 years.

4 **SECTION 5.** 973.015 (1m) (b) of the statutes is amended to read:

5 973.015 (**1m**) (b) ~~—A—~~ For purposes of par. (a), a person has successfully
6 completed the sentence if the person has not been convicted of a subsequent offense
7 and, if on probation, the probation has not been revoked and the probationer has
8 satisfied the conditions of probation. Upon successful completion of the sentence, the
9 detaining or probationary authority shall issue a certificate of discharge which ~~that~~
10 shall be forwarded to the court of record and which shall have the effect of expunging
11 the record. If the court has ordered the record expunged under par. (a) 2. and the
12 court has been forwarded a certificate of discharge, the person's record shall be
13 expunged as ordered. If the court has ordered the record expunged under par. (a) 1.,
14 the person's record shall be expunged as ordered. If the person has been imprisoned,
15 the detaining authority shall also forward a copy of the certificate of discharge to the
16 department.

17 **SECTION 6.** 973.015 (1m) (c) of the statutes is created to read:

18 973.015 (**1m**) (c) 1. In this paragraph, "victim" has the meaning given in s.
19 950.02 (4).

20 2. If a person files a petition under par. (a) 1., the clerk of the circuit court in
21 which the petition is filed shall send a copy of the petition and a notice of hearing to
22 the victim of the crime that is the subject of the petition, if the victim has submitted
23 a card under subd. 5. requesting notification.

