



2015 ASSEMBLY BILL 1008

March 29, 2016 - Introduced by Representatives GOYKE, BARNES, ZAMARRIPA, BROSTOFF, SPREITZER, JOHNSON and ZEPNICK. Referred to Committee on Judiciary.

1 **AN ACT to amend** 301.45 (1p) (a), 973.015 (1m) (a) 1. and 973.015 (1m) (b) of the
2 statutes; **relating to:** expunging a court record of certain offenses a person
3 committed before he or she reached the age of 25.

Analysis by the Legislative Reference Bureau

Under current law, generally if a person under the age of 25 commits a crime for which the maximum term of imprisonment is six years or less, a court may order, at the time it sentences the person for the crime, that the court's record of the crime and conviction be expunged when the person successfully completes his or her sentence, if the court finds that expunging the record will benefit the person and will not harm society.

Under current law, a person successfully completes his or her sentence if the person is not convicted of a subsequent offense and, if on probation, the probation is not revoked and person satisfies all conditions of probation. Upon successful completion, currently the detaining or probationary authority issues a certificate of discharge, which is forwarded to the court of record and which has the effect of expunging the record.

Under this bill, a court may not, at the time it sentences a person, enter an order allowing expungement if the person successfully completes his or her sentence. Under the bill, a court may enter an order allowing expungement upon petition, if the court determines the person has successfully completed his or her sentence, and that the person will benefit and society will not be harmed by this disposition.

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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:

1 **SECTION 1.** 301.45 (1p) (a) of the statutes, as affected by 2015 Wisconsin Act 80,
2 is amended to read:

3 301.45 **(1p)** (a) If a person is covered under sub. (1g) based solely on an order
4 that was entered under s. 938.34 (15m) (am) or 973.048 (1m) in connection with a
5 delinquency adjudication or a conviction for a violation of s. 942.08 (2) (b), (c), or (d)
6 of (3), the person is not required to comply with the reporting requirements under
7 this section if the delinquency adjudication is expunged under s. 938.355 (4m) (b) or
8 if the conviction is expunged under s. 973.015 (1m) ~~(b)~~.

9 **SECTION 2.** 973.015 (1m) (a) 1. of the statutes is amended to read:

10 973.015 **(1m)** (a) 1. Subject to subd. 2. and except as provided in subd. 3., when
11 a person is under the age of 25 at the time of the commission of an offense for which
12 the person has been found guilty in a court for violation of a law for which the
13 maximum period of imprisonment is 6 years or less, the court may order ~~at the time~~
14 ~~of sentencing, upon petition,~~ that the record be expunged ~~upon successful completion~~
15 ~~of the sentence~~ if the court determines that the person has successfully completed
16 his or her sentence and that the person will benefit and society will not be harmed
17 by this disposition. This subsection does not apply to information maintained by the
18 department of transportation regarding a conviction that is required to be included
19 in a record kept under s. 343.23 (2) (a).

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

