

Fiscal Estimate Narratives
CTS 5/22/01

LRB Number	01-0990/1	Introduction Number	AB-258	Estimate Type	Original
Subject					
Expunging dismissed misdemeanor charges					

Assumptions Used in Arriving at Fiscal Estimate

This bill provides for the expunction of court records of certain dismissed misdemeanor charges. Under the bill, if a person was charged with a misdemeanor offense and the charge was later dismissed, the person may petition a court for an order to expunge the court's records if certain conditions are met. These include that the person has not committed any state law or local ordinance based on the same conduct, at least seven years has passed since the dismissal and the charge did not involve certain alcohol, drug paraphernalia, sexual morality or children offenses.

It is impossible to predict the number of petitions for expunction that would be brought if this bill were enacted. There presently is no central repository where courts could check for same conduct violations of state law or local ordinances in the circuit courts or municipal courts. Local ordinance files in the circuit court are only retained for 5 years. If other files were present it is expected that it would take additional clerical time to determine if "same conduct" was involved. The exact amount of additional staff time needed cannot be predicted with the data available.

It should also be noted that SCR 72.06 requires court to remove the index card and seal the case file when expunction is ordered. If a defendant wished to see his/her file after a charge is expunged the court would not be able to provide the person with the file unless the person knew the case number.

Long-Range Fiscal Implications