



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 280

**Assembly Substitute
Amendment 1 and Assembly
Amendment 1 to Assembly
Substitute Amendment 1**

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Current law provides that if a person is under 21 years of age at the time he or she commits a misdemeanor, the court may order, at the time of sentencing, that the person's record be expunged upon successful completion of the sentence if the court determines the person will benefit and society will not be harmed by the expungement. A person has successfully completed the sentence if he or she has not been convicted of a subsequent offense and, if the person was on probation, the probation was not revoked and the conditions of probation were satisfied.

Assembly Substitute Amendment 1 removes the age limitation for expungement and provides that a court may enter an expungement order at the time of sentencing, during the sentence, or after the completion of the sentence, if the person will benefit and society will not be harmed by the expungement and if all of the following apply:

- The person has successfully completed the sentence.
- The person has not been convicted of a crime committed after the misdemeanor conviction.
- If the person was on probation, the conditions of probation were satisfied.
- At least two years have passed since the person's misdemeanor conviction.

The substitute amendment provides that if a person's misdemeanor conviction is expunged, he or she may not be subject to any prohibition, disqualification, disability, increased penalty, or other adverse or unfavorable treatment that would otherwise result from the person's conviction.

Assembly Substitute Amendment 1 provides that within 45 days after a conviction is expunged, the clerk of court must ensure all records and data relating to the misdemeanor conviction are removed

from the Wisconsin Circuit Court Access website. Further, neither the existence nor the content of the court records relating to the expunged offense may be disclosed to anyone other than the person whose record you expunged, his or her attorney, or the detaining or probationary authority for purposes of issuing a certificate of discharge.

The substitute amendment specifies that a person is generally eligible for expungement one time.

Assembly Amendment 1 to Assembly Substitute Amendment 1 deletes the reference to “2 years” and provides that a person is eligible for expungement if at least four years have passed since the person’s misdemeanor conviction.

Legislative History

Assembly Amendment 1 to Assembly Substitute Amendment 1 was offered by the Assembly Committee on Corrections and the Courts. The committee recommended adoption of the amendment on a vote of Ayes 8; Noes, 1. Assembly Substitute Amendment 1 was offered by Representative Gottlieb. The committee recommended adoption of Assembly Substitute Amendment 1, as amended by Assembly Amendment 1, on a vote of Ayes, 9; Noes, 0. The committee recommended passage of Assembly Bill 280, as amended, on a vote of Ayes, 8; Noes, 1.

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