



## Fiscal Estimate Narratives

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LRB Number	07-4151/1	Introduction Number	AB-0891	Estimate Type	Original
<b>Description</b> Expungement of misdemeanors					

### Assumptions Used in Arriving at Fiscal Estimate

Current law provides the court discretion at the time of sentencing to order that an offender's record be expunged, if the offender is under the age of 21 when the crime was committed, the crime is a misdemeanor offense, and the offender successfully completes the sentencing requirements. Once the offender completes the sentencing requirements, a certificate is issued by the department or the county jail or house of correction expunging the offender's record.

This legislation removes the age limit for expungement on misdemeanor offenses, unless the misdemeanor conviction was the result of a plea agreement for certain felony charges. The bill allows the court to enter an expungement order at anytime during or after the sentence. However, expungement cannot occur within the first 2 years after the person's misdemeanor conviction and a person will only be eligible for expungement once during his or her lifetime. Once expungement is completed a copy of the expunged record will only be available to the defendant and his or her attorney.

The court currently notifies the Department of expungement by mailing a copy of the expunged case to the Department. The Department anticipates that any increased costs associated with this legislation for additional record keeping will be minimal and can be absorbed by the agency. It is also expected that county jails would incur a small increase in workload.

In FY07, the courts placed 7,086 offenders age 21 or older on probation for a first time misdemeanor conviction. The Department cannot determine if the misdemeanor conviction for these sentences was the result of a plea agreement, and thus cannot determine the number of additional offenders eligible for expungement. Therefore a fiscal impact cannot be estimated.

### Long-Range Fiscal Implications