

Fiscal Estimate - 2007 Session

Original Updated Corrected Supplemental

LRB Number 07-3734/2		Introduction Number SB-534	
Description Expungement of misdemeanors			
Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Decrease Costs	
Local:			
<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
5. Types of Local Government Units Affected			
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
		<input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities	
		<input type="checkbox"/> Counties <input type="checkbox"/> Others	
		<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
Agency/Prepared By		Authorized Signature	Date
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Fiscal Estimate Narratives

DOC 4/11/2008

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Description 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