



## Fiscal Estimate Narratives

CTS 6/7/2017

LRB Number	17-2239/1	Introduction Number	AB-0331	Estimate Type	Original
<b>Description</b> expungement of records of certain crimes					

### Assumptions Used in Arriving at Fiscal Estimate

This bill makes various changes to the procedures for expunging circuit court records of convictions. The bill removes the requirement that a request for expungement of a conviction be made at the time of sentencing and allows a defendant who has successfully completed his or her sentence to petition the circuit court for an order expunging the record of conviction. The bill does not make changes to the types of crimes for which a petition may be brought nor to the age of the defendant at the time the offense was committed. The bill also allows defendants with convictions for which sentencing has occurred but no order for expungement of the record has been granted to petition the court for such an order.

Under this bill, the circuit court is required to hold a hearing to determine whether to grant or deny the petition, although a hearing may be waived if the district attorney informs the court that there is no objection to waiving the hearing.

It is impossible to predict how many such petitions will be filed in the circuit courts. Although no exact figure is available, it is estimated that several thousand defendants are eligible to petition for expungement each year. Not all of those eligible for expungement request that the court order the record expunged. In the three most recent calendar years, 2014 – 2016, there were just under 50,000 misdemeanor cases and about 37,000 felony cases opened each year. Expungement of circuit court records is not available to defendants in all of these cases. Only those cases in which the defendant was under the age of 25 when the offense was committed and only those felony cases that involve Class H or Class I felonies are eligible for expungement. Under this bill, those limitations will continue to constrain the availability of expungement.

Additional court proceedings require additional judge, court reporter, and court staff time. These costs are borne by both the state and the county. An accurate estimate of the additional costs of this proposal, and how those costs will be divided between the state and the counties, is impossible with the data available.

It is impossible to predict how many defendants with convictions for which sentencing has occurred but no order for expungement of the record has been granted may return to the court and file a petition for expungement. It is likely that this provision will result in an initial temporary increase in filed petitions.

### Long-Range Fiscal Implications