

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 19-1689/1	Introduction Number AB-0033
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Description
 expungement of records of certain crimes

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate
 Increase Existing Appropriations
 Increase Existing Revenues
 Increase Costs - May be possible to absorb within agency's budget
 Decrease Existing Appropriations
 Decrease Existing Revenues

 Yes No
 Create New Appropriations

 Decrease Costs

Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <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
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected	Affected Ch. 20 Appropriations
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.445 (1) (a)	

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Fiscal Estimate Narratives

DWD 2/24/2019

LRB Number	19-1689/1	Introduction Number	AB-0033	Estimate Type	Original
Description expungement of records of certain crimes					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a court may order a person's criminal record expunged of a crime for which the maximum term of imprisonment is six years or less (Class H felony and below) if the person committed that crime before the age of 25, the person had not been previously convicted of a felony, and the crime was not a violent felony. Current law specifies that the expungement order must be made only at sentencing and then the record is expunged when the person completes his or her sentence.

This bill removes the condition that the person committed the crime before the age of 25 but retains the other current requirements and makes certain traffic crimes ineligible for expungement. In addition, if the sentencing court did not order the record expunged, the person may file a petition with the sentencing court after he or she completes his or her sentence. Upon receipt, the court must review the petition, may order the record expunged, or may deny the petition. If the court denies the petition, the person may not file another petition for two years, and no person may file more than two petitions per crime. The changes retroactively apply to persons who were convicted of a crime before this bill takes effect.

This bill also allows the sentencing court to order that a person's record not be eligible for expungement. If a record is expunged of a crime, that crime is not considered a conviction for employment purposes and employment discrimination because of a conviction record includes requesting a person to supply information regarding a crime if the record has been expunged of the crime.

This bill would increase the number of complaints received and investigated by Department of Workforce Development Equal Rights Division. The costs associated with these investigations can be absorbed within DWD's budget. The fiscal effect to local government agencies is indeterminate at this time.

Long-Range Fiscal Implications