

### Fiscal Estimate - 2023 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 23-2307/1	<b>Introduction Number</b> SB-0309
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**Description**  
 recommendation to revoke extended supervision, parole, or probation if a person is charged with a crime and expunging a criminal record of a crime

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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**Local:**

No Local Government Costs  
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease 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
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<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
CTS/ Emily Loman (608) 266-6828	Karley Klein (608) 267-5277	2/22/2024

## Fiscal Estimate Narratives

CTS 2/22/2024

LRB Number	23-2307/1	Introduction Number	SB-0309	Estimate Type	Original
<b>Description</b> recommendation to revoke extended supervision, parole, or probation if a person is charged with a crime and expunging a criminal record of a crime					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who is released on extended supervision, parole, or probation is subject to conditions or rules of the release. If the person violates a condition or rule, the person is subject to sanctions for the violation, which may include revocation of release. This bill requires the Department of Corrections to recommend revoking a person's extended supervision, parole, or probation if the person is charged with a crime while on release.

Under current law, a sentencing court may order a person's criminal record expunged of a crime if the court determines that the person will benefit and society will not be harmed and if all of the following apply: 1) the maximum term of imprisonment for the crime is six years or less (Class H felony and below); 2) the person committed the crime before the age of 25; 3) if the crime is a felony, the person had not been previously convicted of a felony; and 4) the crime was not a violent felony. The bill adds that the court may not order the record expunged of a crime if the person had previously been convicted of a crime, including a crime for which the record had been expunged.

Current law specifies that the expungement order must be made only at sentencing, and then the record is not expunged until the person completes his or her sentence. Under current law, a person is not considered to have completed his or her sentence if the person has been convicted of a subsequent offense or, if on probation, the probation was revoked and the person has not satisfied all conditions of probation. The bill adds that a person has not completed his or her sentence if criminal charges are pending against the person or, if the person was on probation, the person violated any rule or condition of the probation or at least one year has not elapsed since being placed on probation.

There is no fiscal impact to the court under this bill; however, Judges would have to be educated regarding the law changes in order to make decisions on eligibility for expungement, which would require additional staff time to complete.

### Long-Range Fiscal Implications

The Court system does not anticipate a long-range impact resulting from this proposed bill.