

Fiscal Estimate Narratives

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LRB Number	23-1317/1	Introduction Number	SB-0038	Estimate Type	Original
Description expungement of records of certain crimes and discrimination based on expunged conviction					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, if a person who has not previously committed a felony commits a crime before the age of 25 that carries a maximum imprisonment term of six years or less, the court may, at sentencing, order the expungement of the criminal record upon completion of his or her sentence. This bill removes the age criteria for expungement and allows a person to request expungement from the sentencing court at least one year after successful completion of his or her sentence if it was not ordered at the time of sentencing. If the court denies the first petition, the person may file a second petition two years after they filed the first petition and pay a \$100 fee to the county. A person may not file more than two petitions per crime and is limited to one criminal record expungement. This bill also allows the sentencing court to order a person's record ineligible for expungement and makes certain traffic crimes, domestic violence violations, criminal trespass, and criminal damage to a business, ineligible for expungement.

Under the proposed legislation, there will likely be an increase in expungement orders that the Department receives and processes.

The amount of time required to process orders at the county level would also likely increase under the bill. There would be additional requests made for records to be expunged and additional copies of court files made.

Since it is not possible to project the increase in expungement orders that would need to be processed by the Department or by counties, it is not possible to determine the state or local cost increase resulting from this bill.

Long-Range Fiscal Implications