

**LEGISLATIVE COMMITTEE ON EXPUNCTION OF CRIMINAL  
RECORDS**

**STATUTES OF INTEREST**

**165.84 Cooperation in criminal identification, records and statistics  
(1) (final sentence of statute)**

Any person arrested or taken into custody and subsequently released without charge, or cleared of the offense through court proceedings, shall have any fingerprint record taken in connection therewith returned upon request.

*CIB action: Whenever the "arrest event" meets the statutory definition that fingerprint record and any other document(s) associated with the fingerprint record are returned. The record is completely removed from file.*

**973.015 Misdemeanors, special disposition. (1) (a)** Subject to par.(b), when a person is under the age of 21 at the time of the commission of an offense for which the person has been found guilty in a court for violation of a law for which the maximum penalty is imprisonment for one year or less in the county jail, the court may order at the time of sentencing that the record be expunged upon successful completion of the sentence if the court determines the person will benefit and society will not be harmed by this disposition.

*CIB action: the fact that the sentence was "successfully completed" is appended to the record but the record is not expunged or destroyed. It will remain on the record and is subject to release.*

**961.47 Conditional discharge for possession or attempted possession as first offense. (1)** Whenever any person who has not previously been convicted of any offense under this chapter, or of any offense under any statute of the United States or of any state or of any county ordinance relating to controlled substances or controlled substance analogs, narcotic drugs, marijuana or stimulant, depressant or hallucinogenic drugs, pleads guilty to or is found guilty of possession or attempted possession of a controlled substance or controlled substance analog under s. 961.41(3g)(b),

the court, without entering a judgment of guilt and with the consent of the accused may defer further proceedings and place him or her on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him or her. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purpose of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for 2<sup>nd</sup> or subsequent convictions under s.961.48. There may be only one discharge and dismissal under this section with respect to any person.

*CIB action: Successful completion is noted on the record. A caution statement that limits use of the record entry to only those uses named in the statute is provided on the record but the record is not expunged or destroyed. It will remain on the record and is subject to release.*