

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1638

As Engrossed: 4/12/2013

Bill Subtitle: TO ESTABLISH THE COMPREHENSIVE CRIMINAL RECORD SEALING ACT OF 2013; AND TO AMEND, CONSOLIDATE, CLARIFY, AND SIMPLIFY THE PROCESS FOR SEALING A PERSON'S CRIMINAL RECORD UNDER CERTAIN CIRCUMSTANCES.

Basic Change :

Sponsors: Representative Williams, Steel, Nickels

HB1638 creates the Comprehensive Criminal Record Sealing Act of 2013. This bill will repeal or amend various sections of the Arkansas Code that address the sealing of a criminal conviction and adopt a uniform procedure. However, the provisions for the sealing of a record that will not be covered by the bill include: (1) criminal cases adjudicated under the Arkansas Drug Court Act, (2) extended juvenile jurisdiction case records unless the records are considered adult criminal records; (3) juvenile records and (4) A traffic offense, other than a parking violation, vehicle weight violation, or vehicle defect violation committed in any type of motor vehicle, if the person was a holder of a commercial learner's permit or commercial driver license at the time the offense was committed. As a prerequisite to sealing of the record for traffic offenses, a person must have completed all driver license reinstatement requirements.

Amendment 2 also adds that the petitioner can have no more than one (1) previous felony conviction and all felony offenses that were committed as part of the same criminal episode and for which the person was convicted are a single conviction. In addition, the fact that a prior felony conviction has been previously sealed shall not prevent its counting as a prior conviction. In addition, amendment number 2 makes the effective date of this bill to be on and after January 1, 2014. Amendment 3 adds Representative Nickels as a cosponsor of the bill.

Revenue Impact :

None

Taxpayer Impact :

None

Resources Required :

There will be minimal computer programming cost.

Time Required :

No additional time is needed to comply with this bill since the bill as amended has an effective date of January 1, 2014.

Procedural Changes :

Procedures will need to be developed and employees trained to comply with this bill.

Legal Analysis :

DFA requested that the effective date of the bill be extended to January 1, 2014 to reduce the associated programming costs that would result in the event this bill becomes Arkansas law.