I	State of Arkansas	As Engrossed: H3/25/19	
2	92nd General Assembly	A Bill	
3	Regular Session, 2019		HOUSE BILL 1831
4			
5	By: Representatives Boyd, Cr	awford, Richardson, D. Whitaker	
6	By: Senator M. Pitsch		
7			
8		For An Act To Be Entitled	
9	AN ACT TO	AMEND THE COMPREHENSIVE CRIMINAL RECORD)
10	SEALING AC	T OF 2013; TO PROVIDE AN EASIER PATHWAY	FOR
11	A PERSON T	O SEAL CERTAIN OFFENSES; TO ANNOUNCE AN	Ī
12	INTENT TO	STUDY THE OPTIONS AVAILABLE TO A PERSON	TO
13	HAVE HIS O	R HER RECORD SEALED; AND FOR OTHER	
14	PURPOSES.		
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16			
17		Subtitle	
18	TO AN	MEND THE COMPREHENSIVE CRIMINAL	
19	RECOR	RD SEALING ACT OF 2013.	
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22	BE IT ENACTED BY THE G	ENERAL ASSEMBLY OF THE STATE OF ARKANSA	S:
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24	SECTION 1. DO N	OT CODIFY. <u>Legislative intent.</u>	
25	(a) It is the i	ntent of the General Assembly to find a	n easier pathway
26	for a person to seal h	is or her record of certain criminal of	fenses for which
27	sealing is already an	option.	
28	(b) It is furth	er the intent of the General Assembly t	o notify the
29	public that this act i	s the first step in a multi-step proces	s to attempt to
30	make the sealing of ce	rtain records of a person's criminal hi	story that
31	involve nonviolent and	nonsexual offenses an automatic operat	ion.
32	(c) A study of	the Comprehensive Criminal Record Seali	ng Act of 2013,
33	§ 16-90-1401 et seq.,	will be undertaken in the interim to pr	opose any
34	recommended or necessa	ry legislation for the 2021 Regular Ses	sion, as well as
35	an overall study of th	e funding of the criminal justice syste	m, where
36	applicable.		

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1 2 SECTION 1. Arkansas Code § 16-90-1405 is amended to read as follows: 3 16-90-1405. Eligibility to file a uniform petition to seal a 4 misdemeanor offense or violation. 5 (a) A person is eligible to file a uniform petition under this 6 subchapter to seal his or her record of a misdemeanor or violation sixty (60) 7 days immediately after: 8 (1) The completion of his or her sentence for the misdemeanor or 9 violation, including full payment of restitution; 10 (2) Full payment of court costs; 11 (3) Full payment of driver's license suspension reinstatement 12 fees, if a driver's license suspension reinstatement fee was assessed as a 13 result of the person's arrest or conviction for the misdemeanor or violation; 14 and 15 (4) The completion of all other driver's license reinstatement 16 requirements, if a driver's license suspension was imposed as a result of the 17 person's arrest or conviction for the misdemeanor or violation. 18 (b) There is not a limit to the number of times a person may file a 19 uniform petition to seal his or her record of a misdemeanor or violation, 20 except that the person may not file: 21 (1) A new uniform petition to seal one (1) of the following 22 criminal offenses until after a period of five (5) years has elapsed since 23 the completion of the person's sentence for the conviction: 24 (A) Negligent homicide, § 5-10-105, if it was a Class A 25 misdemeanor; 26 (B) Battery in the third degree, § 5-13-203; 27 (C) Indecent exposure, § 5-14-112; 28 (D) Public sexual indecency, § 5-14-111; 29 (E) Sexual assault in the fourth degree, § 5-14-127; 30 (F) Domestic battering in the third degree, § 5-26-305; or 31 (G) A misdemeanor violation of § 5-65-103; 32 A new uniform petition to seal a criminal offense listed in subdivisions (b)(1)(A)-(G) of this section before one (1) year from the date 33 34 of the order denying the previous uniform petition;

violation before ninety (90) days from the date of an order denying a uniform

(3) A new uniform petition to seal $\frac{any-other}{a}$ misdemeanor or

- 1 petition to seal the misdemeanor or violation;
- 2 (4) A new uniform petition to seal a misdemeanor or violation
- 3 under this section if an appeal of a previous denial of a uniform petition to
- 4 seal a misdemeanor or violation for the same misdemeanor or violation is
- 5 still pending; or
- 6 (5) A new uniform petition to seal a misdemeanor or violation
- 7 under this section if:
- 8 (A) The person was a holder of a commercial driver license
- 9 or commercial learner's permit at the time the misdemeanor or violation was
- 10 committed; and
- 11 (B) The misdemeanor or violation was a traffic offense,
- 12 other than a parking violation, vehicle weight violation, or vehicle defect
- 13 violation, committed in any type of motor vehicle.
- 14 (c) Except as provided in subsection (b) of this section, a person is
- 15 eligible to file a uniform petition to seal a misdemeanor or violation under
- 16 this section even if his or her misdemeanor or violation occurred before
- 17 January 1, 2014.

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- 19 SECTION 2. Arkansas Code § 16-90-1406 is amended to read as follows:
- 20 16-90-1406. Felony convictions eligible for sealing.
- 21 (a) Unless prohibited under § 16-90-1408, a person may petition a
- 22 court to seal a record of a conviction <u>immediately</u> after five (5) years has
- 23 elapsed since the completion of the person's sentence for:
- 24 (1) A <u>nonviolent</u> Class C felony or <u>nonviolent</u> Class D felony;
- 25 (2) An unclassified felony;
- 26 (3) An offense under § 5-64-401 et seq. that is a Class A felony
- 27 or Class B felony;
- 28 (4) Solicitation to commit, attempt to commit, or conspiracy to
- 29 commit the substantive offenses listed in subdivisions (a)(1)-(3) of this
- 30 section; or
- 31 (5) A felony not involving violence committed while the person
- 32 was less than eighteen (18) years of age.
- 33 (b) Unless prohibited under § 16-90-1408, a person may petition
- 34 a court with jurisdiction to seal a record of a conviction under this section
- 35 after five (5) years have elapsed since the completion of the person's
- 36 sentence for a violent Class C felony or a violent Class D felony.

1	$\frac{(b)(1)(A)}{(c)(1)(A)}$ The petitioner can have no more than one (1)		
2	previous felony conviction.		
3	(B) For the sole purpose of calculating the number of		
4	previous felony convictions under this section, all felony offenses that we		
5	committed as part of the same criminal episode and for which the person was		
6	convicted are a single conviction.		
7	(2) The fact that a prior felony conviction has been previousl		
8	sealed shall not prevent its counting as a prior conviction for the purposes		
9	of this subsection.		
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11	SECTION 3. Arkansas Code § 16-90-1419 is amended to read as follows:		
12	16-90-1419. Filing fee.		
13	(a) The circuit clerk or district court clerk shall <u>not</u> collect a fee		
14	of fifty dollars (\$50.00) for filing the uniform petition unless the		
15	petitioner is indigent and the fee is waived under Rule 72 of the Arkansas		
16	Rules of Civil Procedure under this subchapter.		
17	(b) The circuit clerk or district court clerk shall remit:		
18	(1) One-half (1/2) of the fee by the tenth day of each month to		
19	the Administration of Justice Funds Section of the Office of Administrative		
20	Services of the Department of Finance and Administration on a form provided		
21	by that office for deposit into the State Administration of Justice Fund; an		
22	(2) The remaining one-half (1/2) of the fee as follows:		
23	(A) If collected in circuit court, to the county treasurer		
24	to be deposited into the county general fund by the tenth day of each month;		
25	(B) If collected in district court, to the treasury of		
26	each political subdivision that contributes to the expenses of the district		
27	court based on the percentage of the expenses contributed by the political		
28	subdivision by the tenth day of each month; or		
29	(C) In a district court funded solely by the county, to		
30	the county treasurer of the county in which the district court is located to		
31	be deposited into the county general fund by the tenth day of each month.		
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33	/s/Boyd		
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