

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: SB932**

**As Engrossed: 3/21/2013**

**Bill Subtitle: CONCERNING ELIGIBILITY TO FILE A UNIFORM PETITION TO SEAL A MISDEMEANOR OFFENSE OR VIOLATION; AND TO DECLARE AN EMERGENCY.**

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### **Basic Change :**

Senator Burnett

The proposed bill adds a new code section to provide that an eligible person may file a uniform petition to seal his or her record of a misdemeanor or violation sixty (60) days after:

1. Completion of sentence for the misdemeanor or violation including full payment of restitution;
2. Full payment of court cost
3. Full payment of driver's license suspension reinstatement fee

If a person's violation or misdemeanor is not excluded under Section 1 of this bill, then the person is eligible to file a petition to seal a misdemeanor or violation even if the misdemeanor or violation occurred before the effective date of this act.

### **Revenue Impact :**

None

### **Taxpayer Impact :**

Taxpayers who can pay restitution and court fees may have their misdemeanor and violations on their driving records expunged after serving their sentence.

### **Resources Required :**

Required programming changes are estimated to cost \$84,000. It is estimated an additional three (3) employees would be needed to modify the driving records and provide phone support to taxpayers who request their driving record and expungement information. The estimated salaries, including fringe benefits and cost of furniture and equipment for the employees, are estimated to be \$112,500.

### **Time Required :**

DFA would need until January 1, 2014 to implement this bill.

### **Procedural Changes :**

Procedures would need to be developed for modifying the record.

### **Other Comments :**

DFA does not have budgeted the additional programming cost or three (3) additional employees required to implement this bill.

### **Legal Analysis :**

SB932, as engrossed by Amendment 1 to the bill, incorporates changes requested by DFA. DFA requested that the bill be amended so that a traffic offense conviction committed by the holder of a commercial driver's license (CDL) or commercial learner's permit (CLP) would not be subject to expungement. Also, DFA proposed that a person not be eligible for expungement under the bill unless the person had paid his or her driver's license reinstatement fee, if a fee was assessed for the misdemeanor or violation. Finally, DFA requested that the bill be amended to provide that a DWI offense could not be expunged unless five years had passed since the person completed their criminal sentence for the DWI. All of DFA's recommended amendments were accepted by the sponsor and incorporated into the engrossed version of SB932.

However, the Office of Driver Services has indicated that it will incur programming costs in order to implement the changes contemplated by this bill. Therefore, Driver Services has requested that this bill be effective on January 1, 2014.