

Department of Finance and Administration

Legislative Impact Statement

Bill: SB932

As Engrossed: 4/2/2013

Bill Subtitle: CONCERNING ELIGIBILITY TO FILE A UNIFORM PETITION TO SEAL A MISDEMEANOR OFFENSE OR VIOLATION.

Basic Change :

Sponsor: Senator Burnett

The proposed bill as engrossed makes two amendments requested by DFA to add 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

There is no limit to the number of times a person may file a uniform petition to expunge the record except the person may not file:

1. A new petition to seal a criminal offense until after a period of five (5) years has elapsed since the completion of the person's sentence for the conviction of negligent homicide, indecent exposure, public sexual indecency, sexual assault in the fourth degree, domestic battering in the third degree, or driving while intoxicated;
2. To expunge a criminal offense before one (1) year from the date of the order denying the previous uniform petition;
3. To expunge any other misdemeanor or violation before ninety (90) days from the date of an order denying a uniform petition to expunge the misdemeanor or violation;
4. A new uniform petition to seal a misdemeanor or violation under this section if an appeal of a previous denial of a uniform petition for the same misdemeanor or violation is still pending;
5. A new uniform petition to seal a misdemeanor or violation under this section if:
 - (A) The person was a holder of a commercial driver license or commercial learner's permit at the time the misdemeanor or violation was committed; and
 - (B) The misdemeanor or violation was a traffic offense, other than a parking violation, vehicle weight violation, or vehicle defect violation committed in any type of motor vehicle.

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 the misdemeanor or violation occurred before the effective date of this act. The bill has an effective date of January 1, 2014.

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 be minimal with the extended effective date of January 1, 2014. 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.

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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 4/2/13, changes the effective date of the act to January 1, 2014 to allow DFA time to make the necessary programming changes.