

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: SB932**

**As Engrossed: 4/6/2013**

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

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### **Basic Change :**

Sponsor: Senator Burnett, Representatives Williams, Steel

House amendment number 1 adds Representatives Williams and Steel as co-sponsors. Senate amendments numbers 1 and 2 were requested by DFA to clarify that full payment of driver's license suspension reinstatement fee would be a prerequisite to filing a uniform petition to seal a misdemeanor offense or violation. Also, the amendments exclude holders of a commercial driver license or commercial learner's permit from filing a uniform petition. Finally, the amendments extended the implementation date to January 1, 2014.

The proposed bill as engrossed 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

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.

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### **Resources Required :**

Required programming changes are estimated to be minimal with the extended effective date of January 1, 2014.

### **Time Required :**

Adequate time provided.

### **Procedural Changes :**

Procedures would need to be developed for modifying the person's driver record.

### **Legal Analysis :**

SB932, as engrossed by House Amendment 1 to the bill, adds Reps. Williams and Steel to the bill as sponsors. No other changes to the bill were made by the House's amendment.