

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/21/13

A Bill

SENATE BILL 932

5 By: Senator Burnett
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For An Act To Be Entitled

8 AN ACT CONCERNING ELIGIBILITY TO FILE A UNIFORM
9 PETITION TO *SEAL* A MISDEMEANOR OFFENSE OR VIOLATION;
10 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

12 CONCERNING ELIGIBILITY TO FILE A UNIFORM
13 PETITION TO *SEAL* A MISDEMEANOR OFFENSE OR
14 VIOLATION; AND TO DECLARE AN EMERGENCY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 16, Chapter 90, Subchapter 9, is
22 amended to add a new section to read as follows:

23 16-90-907. Eligibility to file a uniform petition to *seal* a
24 misdemeanor offense or violation.

25 (a) A person is eligible to file a uniform petition under this
26 subchapter to *seal* his or her record of a misdemeanor or violation sixty (60)
27 days after:

28 (1) The completion of his or her sentence for the misdemeanor or
29 violation, including full payment of restitution;

30 (2) Full payment of court costs; and

31 (3) Full payment of driver's license suspension reinstatement
32 fees, if a driver's license suspension reinstatement fee was assessed as a
33 result of the person's arrest or conviction for the misdemeanor or violation.

34 (b) There is not a limit to the number of times a person may file a
35 uniform petition to *seal* his or her record of a misdemeanor or violation,
36 except that the person may not file:



1 (1) A new uniform petition to seal a criminal offense listed in
2 § 16-90-904(a)(2)(A) until after a period of five (5) years has elapsed since
3 the completion of the person's sentence for the conviction;

4 (2) A new uniform petition to seal a criminal offense listed in § 16-
5 90-904(a)(2)(A) before one (1) year from the date of the order denying the
6 previous uniform petition;

7 (3) A new uniform petition to seal any other misdemeanor or violation
8 before ninety (90) days from the date of an order denying a uniform petition
9 to seal the misdemeanor or violation;

10 (4) A new uniform petition to seal a misdemeanor or violation under
11 this section if an appeal of a previous denial of a uniform petition to seal
12 a misdemeanor or violation for the same misdemeanor or violation is still
13 pending; or

14 (5) A new uniform petition to seal a misdemeanor or violation under
15 this section if:

16 (A) The person was a holder of a commercial driver license or
17 commercial learner's permit at the time the misdemeanor or violation was
18 committed; and

19 (B) The misdemeanor or violation was a traffic offense, other
20 than a parking violation, vehicle weight violation, or vehicle defect
21 violation, committed in any type of motor vehicle.

22 (c) Except as provided in subsection (b) of this section, a person is
23 eligible to file a uniform petition to seal a misdemeanor or violation under
24 this section even if his or her misdemeanor or violation occurred before the
25 effective date of this act.

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27 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
28 General Assembly of the State of Arkansas that currently the law is silent as
29 to who is eligible to have his or her criminal record sealed; that a citizen
30 of Arkansas might not know that he or she is eligible to have a criminal
31 conviction sealed; and that this act is immediately necessary because the
32 statutes permitting a person to have a criminal conviction sealed exist to
33 allow a citizen of Arkansas with a past criminal conviction to move on with
34 his or her life without the cloud of being a person with a criminal record.
35 Therefore, an emergency is declared to exist, and this act being immediately
36 necessary for the preservation of the public peace, health, and safety shall

1 become effective on:

2 (1) The date of its approval by the Governor;

3 (2) If the bill is neither approved nor vetoed by the Governor,
4 the expiration of the period of time during which the Governor may veto the
5 bill; or

6 (3) If the bill is vetoed by the Governor and the veto is
7 overridden, the date the last house overrides the veto.

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/s/Burnett

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