

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/25/19

A Bill

HOUSE BILL 1831

5 By: Representatives Boyd, Crawford, Richardson, D. Whitaker
6 By: Senator M. Pitsch
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE COMPREHENSIVE CRIMINAL RECORD
10 SEALING ACT OF 2013; TO PROVIDE AN EASIER PATHWAY FOR
11 A PERSON TO SEAL CERTAIN OFFENSES; TO ANNOUNCE AN
12 INTENT TO STUDY THE OPTIONS AVAILABLE TO A PERSON TO
13 HAVE HIS OR HER RECORD SEALED; AND FOR OTHER
14 PURPOSES.
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Subtitle

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18 TO AMEND THE COMPREHENSIVE CRIMINAL
19 RECORD SEALING ACT OF 2013.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. DO NOT CODIFY. Legislative intent.

25 (a) It is the intent of the General Assembly to find an easier pathway
26 for a person to seal his or her record of certain criminal offenses for which
27 sealing is already an option.

28 (b) It is further the intent of the General Assembly to notify the
29 public that this act is the first step in a multi-step process to attempt to
30 make the sealing of certain records of a person's criminal history that
31 involve nonviolent and nonsexual offenses an automatic operation.

32 (c) A study of the Comprehensive Criminal Record Sealing Act of 2013,
33 § 16-90-1401 et seq., will be undertaken in the interim to propose any
34 recommended or necessary legislation for the 2021 Regular Session, as well as
35 an overall study of the funding of the criminal justice system, where
36 applicable.



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SECTION 1. Arkansas Code § 16-90-1405 is amended to read as follows:

16-90-1405. Eligibility to file a uniform petition to seal a misdemeanor offense or violation.

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

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

(2) Full payment of court costs;

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

(4) The completion of all other driver's license reinstatement requirements, if a driver's license suspension was imposed as a result of the person's arrest or conviction for the misdemeanor or violation.

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

(1) A new uniform petition to seal one (1) of the following criminal offenses until after a period of five (5) years has elapsed since the completion of the person's sentence for the conviction:

(A) Negligent homicide, § 5-10-105, if it was a Class A misdemeanor;

(B) Battery in the third degree, § 5-13-203;

(C) Indecent exposure, § 5-14-112;

(D) Public sexual indecency, § 5-14-111;

(E) Sexual assault in the fourth degree, § 5-14-127;

(F) Domestic battering in the third degree, § 5-26-305; or

(G) A misdemeanor violation of § 5-65-103;

(2) 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 of the order denying the previous uniform petition;

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

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 immediately after ~~five (5) years has~~
23 ~~elapsed since~~ the completion of the person's sentence for:

24 (1) A nonviolent Class C felony or nonviolent 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.*

