

HB 238 -- Expungement of Certain Criminal Records

Sponsor: Ellington

This bill authorizes the expungement of certain criminal records including convictions for any nonviolent crime, misdemeanor offense, or nonviolent drug violation. The expungement of a record is allowed when at least four years have elapsed since the person making the application for expungement has completed his or her imprisonment, period of probation, or period of parole and the person has graduated from high school or received a general educational development (GED) degree, graduated from an institution of higher education with at least an associate's degree or maintained employment with the same employer for at least two consecutive years, completed 700 hours of community service, and has not been convicted of or been placed on probation for any misdemeanor or felony during the four-year period.

Any individual wanting to expunge a criminal record is required to file a verified petition for expungement in the civil division of the circuit court in a county where any of the arrests, pleas, trials, or convictions occurred that includes specified information. The petition must name as defendants all entities whom the petitioner has reason to believe may possess the records subject to expungement for each of the offenses listed in the petition. The court is required to schedule a hearing on the expungement petition no sooner than 30 days from the filing of the petition and must give reasonable notice of the hearing to each official agency or other entity named in the petition. If a court grants the order of expungement, a copy of the order must be provided to each agency identified in the petition. The court records and files maintained in any administrative or court proceeding for any offense ordered expunged will be confidential and only available to the parties or by order of the court for good cause. An individual will be granted only one petition for expungement but one or more offenses may be expunged as long as all of the offenses are listed on the petition.