

HB 490 -- CRIMINAL NONSUPPORT

SPONSOR: May

This bill defines the term "arrearage" and specifies that the arrearage must reflect any retroactive support ordered under a modification, any judgments entered by a court or any authorized agency, and any satisfactions of judgment filed by the custodial parent.

Currently, criminal nonsupport is a class E felony if the total arrearage is in excess of 12 monthly payments. The bill changes it to if the total arrearage is in excess of 24 monthly payments.

A person may petition the court for the expungement of the criminal records of a first felony offense of criminal nonsupport after at least eight years have elapsed since the person requesting expungement has completed his or her imprisonment or period of probation. The bill lays out the specific elements a court must find the petitioner has met before ordering expungement. An individual may request an expungement of his or her DNA records pursuant to these provisions.

If a court grants the order of expungement, the records and files maintained in any court proceeding in an associate circuit or circuit court for the offense ordered expunged will be confidential and only available to the parties or by the order of the court for good cause shown. An individual is only entitled to have one petition for expungement granted under these provisions.

The bill also changes these provisions in the newly revised criminal code that took effect January 1, 2017.

This bill is similar to HB 2191 (2016).