

HB 1839 -- LIMITED ACCESS TO CRIMINAL RECORDS

SPONSOR: Green

This bill specifies that, prior to releasing criminal history information to a noncriminal justice agency, certain information must be redacted, as specified in the bill.

The bill provides that an individual who has been free from a felony conviction for more than 10 years may petition the court where the conviction occurred for access to his or her criminal record be limited as specified in the bill. The offense must have a maximum penalty of no more than five years.

There are specific convictions and certain individuals for which limited access to criminal records will not be granted. The bill establishes which types of records will be subject to limited access and provides that, upon petition of a prosecuting attorney to the court where a conviction occurred, a court will vacate an order for limited access granted under these provisions if the court determines that the order was erroneously entered.

An individual will not be required or requested to disclose information about his or her criminal history record that has been provided limited access, subject to exceptions in the bill. This will not apply if federal law requires the consideration of an applicant's criminal history for purposes of employment. A record subject to limited access under this bill will not be considered a conviction that would prohibit the employment of a person under any law that prohibits employment based on state convictions.

This bill is the same as HB 1103 (2019).