

1 SB188
2 116042-1
3 By Senator Erwin
4 RFD: Judiciary
5 First Read: 12-JAN-10

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8 SYNOPSIS: Existing law does not provide for automatic
9 expungement of the record of a person who has been
10 fully exonerated of a crime.

11 This bill would provide for automatic
12 expungement of the record of a person who has been
13 fully exonerated of a crime.

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15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 Relating to expungement of criminal records; to
20 provide for the automatic expungement of the record of a
21 person who has been fully exonerated of a crime.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) A person who has been charged with a
24 felony or misdemeanor criminal offense, a violation, or a
25 traffic violation and who has been fully exonerated of the
26 offense as charged shall have his or her record as to the
27 crime automatically expunged.

1 (b) Nothing in this act shall prohibit a law
2 enforcement agency or official, a prosecuting authority, or
3 the Alabama Department of Forensic Sciences from maintaining
4 an investigative file, which may include evidence, biological
5 evidence, photographs, exhibits, or information in documentary
6 or electronic form.

7 (c) For the purposes of this act, the term "record"
8 shall include, but not be limited to, all of the following:

9 (1) Arrest records.

10 (2) Booking or arrest photographs of the person.

11 (3) Index references such as with the ACJIC, or any
12 other governmental index references for public records search.

13 (4) Other data, whether in documentary or electronic
14 form, relating to the arrest, charge, or other matters arising
15 out of the arrest or charge or relating to the conviction or
16 other matters arising out of the conviction.

17 Section 2. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.