

SB153 INTRODUCED



1 SB153
2 AMTGQ7Q-1
3 By Senator Jones
4 RFD: Judiciary
5 First Read: 21-Feb-24



4 SYNOPSIS:

5 Under existing law, a person who has been
6 convicted of a misdemeanor offense, violation, traffic
7 violation, or municipal ordinance violation may file a
8 petition to expunge the records relating to the charge
9 and conviction under certain circumstances.

10 This bill would provide that a person who has
11 been adjudged a youthful offender and the underlying
12 charge is a misdemeanor offense, violation, traffic
13 violation, or municipal ordinance violation can file a
14 petition to expunge the records relating to the charge
15 and conviction under certain circumstances.

16
17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Relating to criminal procedure; to amend Section
23 15-27-1, Code of Alabama 1975, to provide that a person who
24 has been adjudged a youthful offender and the underlying
25 charge is a misdemeanor offense, violation, traffic violation,
26 or municipal ordinance violation can file a petition to
27 expunge the records relating to the charge and conviction
28 under certain circumstances.



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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-27-1, Code of Alabama 1975, is amended to read as follows:

"§15-27-1

(a) A person who has been charged with a misdemeanor offense, ~~a~~-violation, ~~a~~-traffic violation, or ~~a~~-municipal ordinance violation may file a petition in the criminal division of the circuit court in the county in which the charges were filed, to expunge records relating to the charge in any of the following circumstances:

(1) When the charge has been dismissed with prejudice and more than 90 days have passed.

(2) When the charge has been no billed by a grand jury and more than 90 days have passed.

(3) When the person has been found not guilty of the charge and more than 90 days have passed.

(4) When the charge has been nolle prossed without conditions, more than 90 days have passed, and the charge or charges have not been refiled.

(5) When the indictment has been quashed and the statute of limitations for refileing the charge or charges has expired or the prosecuting agency confirms that the charge or charges will not be refiled.

(6)a. When the charge was dismissed after successful completion of a drug court program, mental health court program, diversion program, veteran's court program, or any other court-approved deferred prosecution program.

b. Expungement may be a court-ordered condition of a



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program listed in paragraph a.

c. A petition for expungement may be filed one year from the date of successful completion of a program listed in paragraph a.

(7) When the charge was dismissed without prejudice more than one year ago and has not been refiled, and the person has not been convicted of any other felony or misdemeanor crime, ~~any~~ violation, or ~~any~~ traffic violation, excluding minor traffic violations, during the previous two years.

(8) When the person proves by a preponderance of the evidence that the person is a victim of human trafficking, that the person committed the misdemeanor offense, violation, traffic violation, or municipal ordinance violation during the period the person was being trafficked, and that the person would not have committed the offense or violation but for being trafficked. Evidence that a person is a victim of human trafficking may include, but is not limited to, evidence that the person's trafficker was convicted of trafficking the person under Section 13A-6-152 or Section 13A-6-153.

(b) Subsection (a) notwithstanding, a person who has been convicted of a misdemeanor offense, ~~a~~ violation, ~~a~~ traffic violation, or ~~a~~ municipal ordinance violation or a person who has been adjudged a youthful offender and the underlying charge is a misdemeanor offense, violation, traffic violation, or municipal ordinance violation may file a petition in the criminal division of the circuit court in the county in which the charges were filed to expunge records



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relating to the charge and the conviction if all of the following occur:

(1) Except as provided in Section 15-27-4, all probation or parole requirements have been completed, including payment of all fines, costs, restitution, and other court-ordered amounts, and are evidenced by the applicable court or agency.

(2) Three years have passed from the date of conviction.

(3) If the person was convicted of any of the offenses enumerated in 49 C.F.R. § 383.51, the person was not operating a commercial motor vehicle at the time of the offense, or was not holding a commercial driver license or a commercial ~~learner's~~learner permit at the time of the offense.

(4) The conviction is not a violent offense, as provided in Section 12-25-32.

(5) The conviction is not a sex offense, as provided in Section 15-20A-5.

(6) The conviction is not an offense involving moral turpitude, as provided in Section 17-3-30.1. This subdivision does not apply if the crime the person was convicted of was classified as a felony at the time of the conviction, but has been reclassified as a misdemeanor pursuant to Act 2015-185, and the person has not been arrested for any offense, excluding minor traffic violations, 15 years prior to the filing of the petition for expungement.

(7) The conviction is not a serious traffic offense, as provided in Article 9 of Chapter 5A of Title 32.



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(c) (1) Subject to Section 15-27-16, records related to offenses and convictions may be disclosed to ~~a~~ any of the following:

a. A criminal justice agency, ~~a~~ district attorney, or ~~a~~ prosecuting authority for criminal investigation purposes as provided in Section 15-27-7, ~~to a~~ .

b. A utility and its agents and affiliates, ~~to the~~ .

c. The Department of Human Resources for the purpose of investigation or assessment in order to protect children or vulnerable adults, ~~or to any~~ .

d. Any entity or service providing information to banking, insurance, and other financial institutions as required for various requirements as provided in state and federal law. ~~Further, any~~

(2) Any criminal charges that are expunged or are pending expungement pursuant to ~~Section 15-27-1~~ this section shall be available for use by any attorney, officer of the court, or the court itself in any civil matters related to the criminal charges expunged or seeking to be expunged, regardless of the outcome of the petitioned expungement. At the conclusion of the pending civil matter, all references to the criminal charges expunged or to be expunged shall be redacted in the event the criminal charges are expunged.

(d) The circuit court shall have exclusive jurisdiction of a petition filed under subsections (a) and (b)."

Section 2. This act shall become effective on October 1, 2024.