

## HB 370: CRIMINAL RECORDS EXPUNGEMENT ACT

**Summary:** allows persons to petition the district court for criminal record expungement if they are:

- 1) victim of identity theft or wrongful arrest;
- 2) released without conviction;
- 3) convicted of a municipal ordinance, misdemeanor, or felony following completion of sentence and payment of fines and fees, if no other conviction for a period of:
  - a. 2 years for ordinance or misdemeanor
  - b. 4 years for misdemeanor for agg battery or 4<sup>th</sup> degree felony
  - c. 6 years for 3<sup>rd</sup> degree felony
  - d. 8 years 2<sup>nd</sup> degree felony
  - e. 10 years for 1<sup>st</sup> degree felony or any offense in Crimes Against Household Members Act

**Exceptions** – ineligible convictions:

- 1) Crimes against children
- 2) Offense causing great bodily harm or death
- 3) Sex offense
- 4) Embezzlement
- 5) DWI offense

**Required AOC/DPS Rules:**

- AOC and DPS have been meeting since late June
- Have a suite of draft court forms, including a petition and court order

**Petitioner will bear the burden of compiling necessary background information:**

- the petitioner will have to obtain an FBI background check
- the petitioner will have to pay \$132 civil filing fee
- the petitioner must identify applicable court case numbers, arrest information
- the petitioner must give required parties notice

**Process:**

- AOC will nightly send DPS an auto-generated report listing Orders to Expunge
- AOC will remove court records from public access
- DPS will remove arrest-related records from public access

**Accessibility for SRLs**

- preparing detailed step-by-step instructions for SRLs
- planning to create a “Guide and File” interactive online petition

Administrative Office of the Courts

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