

HOUSE RESEARCH

Bill Summary

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Overview

This bill permits certain offense records to be expunged without a formal petition, upon consent of the prosecutor, and requires all individuals filing a petition for expungement to provide a copy of the complaint or police report with the petition, if practicable.

Section

- 1** **Certain proceedings not resulting in conviction.** Permits a court to order an expungement in cases in which the person seeking to have his or her record expunged has successfully completed a diversion program or stay of adjudication that was agreed to by the prosecutor, so long as the person has not been charged with a new crime for at least one year since the completion of the diversion program or stay of adjudication.
- 2** **Expungement when charges are dismissed.** Requires the expungement of records covered by section one of the bill without a formal petition for the expungement, if the prosecutor agrees. The court would not be permitted to expunge the record if it determines that the interests of the public and public safety in keeping the record public outweigh the disadvantage to the individual subject of the record as a result of the record remaining public.

This section also requires the prosecutor to make a good faith effort to inform identifiable victims of the offense of the agreement to expunge a record, and to provide those victims with an opportunity to object.

The prosecutor may agree to the expungement before or after the charges are dismissed.
- 3** **Contents of petition.** Requires an individual petitioning for expungement of a criminal record to attach a copy of the relevant complaint or police report, if practicable.