

1 SB81
2 165007-1
3 By Senators Ward, Holley and Dial
4 RFD: Judiciary
5 First Read: 03-MAR-15

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8 SYNOPSIS: Under current law, certain criminal offense
9 records may be expunged upon payment of a filing
10 fee and approval by the court. This bill eliminates
11 the filing fee and provides for a uniform petition
12 for expungement of such records.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to expungement; to amend Sections 15-27-1
19 and 15-27-2, Code of Alabama 1975, relating to petitions for
20 expungement; and to repeal Section 15-27-4, Code of Alabama
21 1976, relating to the expungement filing fee.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 15-27-1 and 15-27-2, Code of
24 Alabama 1975, are hereby amended to read as follows:

25 "§15-27-1.

26 "(a) A person who has been charged with a
27 misdemeanor criminal offense, a violation, a traffic

1 violation, or a municipal ordinance violation may file a
2 petition in the criminal division of the circuit court in the
3 county in which the charges were filed, to expunge records
4 relating to the charge in any of the following circumstances:

5 "(1) When the charge is dismissed with prejudice.

6 "(2) When the charge has been no billed by a grand
7 jury.

8 "(3) When the person has been found not guilty of
9 the charge.

10 "(4) When the charge was dismissed without prejudice
11 more than two years ago, has not been refiled, and the person
12 has not been convicted of any other felony or misdemeanor
13 crime, any violation, or any traffic violation, excluding
14 minor traffic violations, during the previous two years.

15 "(b) The circuit court shall have exclusive
16 jurisdiction of a petition filed under subsection (a).

17 "(c) The Administrative Office of Courts shall
18 develop a simple, uniform petition for expungement of records
19 under this section and shall provide a copy of such petition
20 to each circuit court, as well as provide such petition on its
21 website.

22 "§15-27-2.

23 "(a) A person who has been charged with a felony
24 offense, except a violent offense as defined in Section
25 12-25-32(14), may file a petition in the criminal division of
26 the circuit court in the county in which the charges were

1 filed, to expunge records relating to the charge in any of the
2 following circumstances:

3 "(1) When the charge is dismissed with prejudice.

4 "(2) When the charge has been no billed by a grand
5 jury.

6 "(3) When the person has been found not guilty of
7 the charge.

8 "(4)a. The charge was dismissed after successful
9 completion of a drug court program, mental health court
10 program, diversion program, veteran's court, or any
11 court-approved deferred prosecution program after one year
12 from successful completion of the program.

13 "b. Expungement may be a court-ordered condition of
14 a program listed in paragraph a.

15 "(5) The charge was dismissed without prejudice more
16 than five years ago, has not been refiled, and the person has
17 not been convicted of any other felony or misdemeanor crime,
18 any violation, or any traffic violation, excluding minor
19 traffic violations, during the previous five years.

20 "(6) Ninety days have passed from the date of
21 dismissal with prejudice, no-bill, acquittal, or nolle
22 prosequi and the charge has not been refiled.

23 "(b) The circuit court shall have exclusive
24 jurisdiction of a petition filed under subsection (a).

25 "(c) The Administrative Office of Courts shall
26 develop a simple, uniform petition for expungement of records
27 under this section and shall provide a copy of such petition

1 to each circuit court, as well as provide such petition on its
2 website."

3 Section 2. Section 15-27-4, Code of Alabama 1975, is
4 hereby repealed.

5 Section 3. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.