

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. Authorizes access to expunged records without a court order to certain criminal justice officials.

- 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 (i) successfully completed a diversion program or stay of adjudication; (ii) the prosecutor agrees to sealing the records; and (iii) 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. Does not apply to felony-level crimes of violence contained in chapter 609.
- 2 **Expungement when charges are dismissed.** Authorizes the expungement of records covered by Section 1 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.

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.
- 4 **Limitations of order.** Authorizes certain parties involved in the criminal justice system to access expunged records for purposes of criminal investigation, prosecution, or sentencing without a court order.