

1 HB5
2 207638-1
3 By Representatives Givan and Daniels
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 07/17/2020

SYNOPSIS: Under existing law, a person seeking to expunge court records must pay an administrative filing fee of three hundred dollars (\$300) as well as various fees associated with obtaining a copy of the person's criminal record and certified record of arrest, disposition, or case action summary of the court record the person seeks to have expunged.

This bill would eliminate the administrative filing fee and fees associated with obtaining a copy of the person's criminal record and certified record of arrest, disposition, or case action summary of the court record the person seeks to have expunged.

A BILL
TO BE ENTITLED
AN ACT

Relating to expungements; to amend Section 15-27-3, Code of Alabama 1975, and to repeal Section 15-27-4, Code of

1 Alabama 1975, to eliminate the administrative filing fee and
2 fees associated with obtaining a copy of the person's criminal
3 record and certified record of arrest, disposition, or case
4 action summary of the court record the person seeks to have
5 expunged.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 15-27-3, Code of Alabama 1975, is
8 amended to read as follows:

9 "§15-27-3.

10 "(a) A petition filed under this chapter shall
11 include a sworn statement made by the person seeking
12 expungement under the penalty of perjury stating that the
13 person has satisfied the requirements set out in this chapter
14 and whether he or she has previously applied for an
15 expungement in any jurisdiction and whether an expungement has
16 been previously granted.

17 "(b) The petitioner shall include a certified record
18 of arrest, disposition, or the case action summary from the
19 appropriate agency for the court record the petitioner seeks
20 to have expunged as well as a certified official criminal
21 record obtained from the Alabama Criminal Justice Information
22 Center. In addition to setting forth grounds for the court to
23 consider, the petitioner shall specify what criminal charges
24 from the record are to be considered, further specify the
25 agency or department that made the arrest and any agency or
26 department where the petitioner was booked or was incarcerated
27 or detained pursuant to the arrest or charge sought to be

1 expunged. The petitioner shall not be required to pay a fee to
2 any agency to obtain a certified record of arrest,
3 disposition, or the case action summary for the court record
4 the petitioner seeks to have expunged or a certified official
5 criminal record.

6 "(c) A petitioner shall serve the district attorney,
7 the law enforcement agency, and clerk of court of the
8 jurisdiction for which the records are sought to be expunged,
9 a copy of the petition, and the sworn affidavit. The district
10 attorney shall review the petition and may make reasonable
11 efforts to notify the victim if the petition has been filed
12 seeking an expungement under circumstances enumerated in
13 paragraph a. of subdivision (4) of Section 15-27-2 involving a
14 victim that is not a governmental entity. The district
15 attorney and the victim shall have a period of 45 days to file
16 a written objection to the granting of the petition or the
17 district attorney shall be deemed to have waived the right to
18 object. The district attorney shall serve the petitioner or
19 the petitioner's counsel a copy of the written objection."

20 Section 2. Section 15-27-4, Code of Alabama 1975,
21 relating to administrative fees for expungement petitions, is
22 repealed.

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