

SB223 INTRODUCED



1 SB223
2 L5542YA-1
3 By Senators Coleman-Madison, Singleton, Figures, Smitherman
4 RFD: Judiciary
5 First Read: 04-Mar-25



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SYNOPSIS:

Under existing law, certain charges and convictions may be expunged from court records, subject to various conditions.

This bill would provide that a person who has been convicted of a nonviolent Class C or Class D felony offense may have the conviction expunged if the offense is not a sex offense or crime of moral turpitude, and the person has not been arrested for any other felony or misdemeanor within the last five years.

A BILL
TO BE ENTITLED
AN ACT

Relating to expungement; to amend Section 15-27-2, Code of Alabama 1975, to authorize certain nonviolent felony offenses to be expunged under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-27-2, Code of Alabama 1975, is amended to read as follows:

"§15-27-2

(a) A person who has been charged with any felony offense may file a petition in the criminal division of the



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29 circuit court in the county in which the charges were filed,
30 to expunge records relating to the charge in any of the
31 following circumstances:

32 (1) When the charge is dismissed with prejudice and
33 more than 90 days have passed.

34 (2) When the charge has been no billed by a grand jury
35 and more than 90 days have passed.

36 (3) When the person has been found not guilty of the
37 charge and more than 90 days have passed.

38 (4) When the charge has been nolle prossed without
39 conditions, and more than 90 days have passed, and the charge
40 or charges have not been refiled.

41 (5) When the indictment has been quashed and the
42 statute of limitations for refiling the charge or charges has
43 expired or the prosecuting agency confirms that the charge or
44 charges will not be refiled.

45 (6)a. When the charge was dismissed after successful
46 completion of a drug court program, mental health court
47 program, diversion program, veteran's court program, or any
48 other court-approved deferred prosecution program.

49 b. Expungement may be a court-ordered condition of a
50 program listed in paragraph a.

51 c. A petition for expungement may be filed one year
52 from the date of the successful completion of a program listed
53 in paragraph a.

54 (7) When the charge was dismissed without prejudice
55 more than five years ago and has not been refiled and the
56 person has not been convicted of any other felony or



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57 misdemeanor crime, any violation, or any traffic violation,
58 excluding minor traffic violations, during the previous five
59 years.

60 (8) When the person proves by a preponderance of the
61 evidence that the person is a victim of human trafficking,
62 that the person committed the felony offense during the period
63 the person was being trafficked, and that the person would not
64 have committed the felony offense but for being trafficked.
65 Evidence that a person is a victim of human trafficking may
66 include, but is not limited to, evidence that the person's
67 trafficker was convicted of trafficking the person under
68 Section 13A-6-152 or Section 13A-6-153.

69 (b) Subsection (a) notwithstanding, convictions for any
70 of the following violent offenses, as defined in Section
71 12-25-32, may be expunged upon a showing that the person
72 committed the felony offense during the period the person was
73 trafficked, and that the person would not have committed the
74 felony offense but for being trafficked:

75 (1) Promoting prostitution in the first degree pursuant
76 to Section 13A-12-111.

77 (2) Domestic violence in the third degree pursuant to
78 ~~subsection (d) of~~ Section 13A-6-132 (d).

79 (3) Production of ~~obscene matter involving a person~~
80 ~~under the age of 17 years~~ child sexual abuse material pursuant
81 to Section 13A-12-197.

82 (c) A person who has been convicted of a felony offense
83 may file a petition in the criminal division of the circuit
84 court in the county in which the charges were filed to expunge



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85 records relating to the charge and the conviction if all of
86 the following occur:

87 (1) The person has been granted a certificate of pardon
88 with restoration of civil and political rights for the
89 conviction from the Board of Pardons and Paroles.

90 (2) All civil and political rights that were forfeited
91 as a result of the conviction have been restored.

92 (3) One hundred eighty days have passed from the date
93 of the issuance of the certification of pardon.

94 (4) Except as provided in subsection (b), the
95 conviction is not a violent offense, as provided in Section
96 12-25-32.

97 (5) The conviction is not a sex offense, as provided in
98 Section 15-20A-5.

99 (6) The conviction is not an offense involving moral
100 turpitude, as provided in Section 17-3-30.1. This subdivision
101 does not apply if the crime the person was convicted of was
102 classified as a felony at the time of the conviction, but has
103 been reclassified as a misdemeanor, pursuant to Act 2015-185,
104 and the person has not been arrested for any offense,
105 excluding minor traffic violations, 15 years prior to the
106 filing of the petition for expungement.

107 (7) The conviction is not a serious traffic offense, as
108 provided in Article 9 of Chapter 5A of Title 32.

109 (8) If the person was convicted of any of the offenses
110 enumerated in 49 C.F.R. § 383.51, the person was not holding a
111 commercial driver license or a commercial learner's permit at
112 the time of the offense, or was not operating a commercial



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113 motor vehicle at the time of the offense.

114 (d) Notwithstanding subsection (c), a person who has
115 been convicted of a nonviolent offense, as defined under
116 Section 12-25-32, that is a Class C or Class D felony may file
117 a petition in the criminal division of the circuit court in
118 the county in which the charges were filed to expunge records
119 relating to the charge and the conviction if all of the
120 following occur:

121 (1) The conviction is not a sex offense, as provided in
122 Section 15-20A-5; or an offense involving moral turpitude, as
123 provided in Section 17-3-30.1.

124 (2) Except for minor traffic violations, the person has
125 not been arrested for any felony or misdemeanor offense within
126 the five years prior to the filing of the petition.

127 (3) If the person was convicted of any of the offenses
128 enumerated in 49 C.F.R. § 383.51, the person was not holding a
129 commercial driver license or a commercial learner's permit at
130 the time of the offense, or was not operating a commercial
131 motor vehicle at the time of the offense.

132 ~~(d)~~ (e) Subject to Section 15-27-16, records related to
133 offenses and convictions may be disclosed to a criminal
134 justice agency, a district attorney, or a prosecuting
135 authority for criminal investigation purposes as provided in
136 Section 15-27-7, to a utility and its agents and affiliates,
137 to the Department of Human Resources for the purpose of
138 investigation or assessment in order to protect children or
139 vulnerable adults, or to any entity or service providing
140 information to banking, insurance, and other financial



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141 institutions as required for various requirements as provided
142 in state and federal law. Further, any criminal charges that
143 are expunged or are pending expungement pursuant to Section
144 15-27-2 shall be available for use by any attorney, officer of
145 the court, or the court itself in any civil matters related to
146 the criminal charges expunged or seeking to be expunged
147 regardless of the outcome of the petitioned expungement. At
148 the conclusion of the pending civil matter, all references to
149 the criminal charges expunged or to be expunged shall be
150 redacted in the event the criminal charges are expunged.

151 ~~(e)~~ (f) The circuit court shall have exclusive
152 jurisdiction of a petition filed under subsection (a), (b), ~~or~~
153 (c), or (d)."

154 Section 2. This act shall become effective on October
155 1, 2025.