SB88 ENGROSSED



- 1 SB88
- 2 9YX9PMB-2
- 3 By Senator Orr
- 4 RFD: Judiciary
- 5 First Read: 04-Feb-25

SB88 Engrossed



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5	A BILL
6	TO BE ENTITLED
7	AN ACT
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9	Relating to expungements; to amend Section 15-27-5,
10	Code of Alabama 1975, to further provide for the procedures
11	regarding an expungement.
12	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
13	Section 1. Section 15-27-5, Code of Alabama 1975, is
14	amended to read as follows:
15	" §15-27-5
16	(a) $\underline{(1)}$ If the prosecuting authority or victim files an
17	objection to the granting of a petition under this chapter,
18	the court having jurisdiction over the matter shall set a date
19	for a hearing no sooner than 14 days from the filing of the
20	objection. The court shall notify the prosecuting authority
21	and the petitioner of the hearing date.
22	(2) If no objection to the petition is filed by the
23	prosecuting authority or victim, the court having jurisdiction
24	over the matter may set the matter for a hearing.
25	(b) In making its determination, the court shall
26	consider all of the following factors:
27	(1) Nature and seriousness of the offense committed.
28	(2) Circumstances under which the offense occurred.

SB88 Engrossed



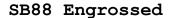
- 29 (3) Date of the offense.
- 30 (4) Age of the person when the offense was committed.
- 31 (5) Whether the offense was an isolated or repeated
- 32 incident.
- 33 (6) Other conditions which that may have contributed to
- 34 the offense.
- 35 (7) An available probation or parole record, report, or
- 36 recommendation.
- 37 (8) Whether the offense was dismissed or nolle prossed
- 38 as part of a negotiated plea agreement and whether the
- 39 petitioner pleaded guilty to another related or lesser
- 40 offense.
- 41 (9) Evidence of rehabilitation, including good conduct
- in prison or jail, in the community, counseling or psychiatric
- 43 treatment received, acquisition of additional academic or
- 44 vocational schooling, successful business or employment
- 45 history, and the recommendation of his or her supervisors or
- 46 other persons in the community.
- 47 (10) Any other matter the court deems relevant, which
- 48 may include, but is not limited to, a prior expungement of the
- 49 petitioner's records.
- $\frac{\text{(b)}}{\text{(c)}}$ A hearing under subsection (a) shall be
- 51 conducted in a manner prescribed by the trial judge and shall
- 52 include oral argument and review of relevant documentation in
- 53 support of, or in objection to, the granting of the petition.
- 54 The Alabama Rules of Evidence shall apply to the hearing.
- 55 Leave of the court shall be obtained for the taking of witness
- testimony relating to any disputed fact.





(c) (d) There is no right to the expungement of any
criminal record, and any request for expungement of a criminal
record may be denied at the sole discretion of the court.

- (e) The court shall grant the petition if it is reasonably satisfied from the evidence that the petitioner has complied with and satisfied the requirements of this chapter. The court shall have discretion over the number of cases that may be expunged pursuant to this chapter after the first case is expunged.
- (f) The ruling of the court shall be subject to appeal certiorari review and may not be reversed absent a showing of an abuse of discretion.
- (d) If no objection to a petition is filed by the prosecuting authority or victim, the court having jurisdiction over the matter shall rule on the merits of the petition without setting the matter for hearing. In such cases, the court shall grant the petition if it is reasonably satisfied from the evidence that the petitioner has complied with and satisfied the requirements of this chapter."
- Section 2. This act shall become effective on October 1, 2025.





78 79 80 Senate Read for the first time and referred04-Feb-25 81 82 to the Senate committee on Judiciary 83 Read for the second time and placed20-Feb-25 84 85 on the calendar: 1 amendment 86 87 88 Read for the third time and passed04-Mar-25 as amended 89 Yeas 30 90 Nays 0 91 Abstains 0 92 93 94 95 Patrick Harris, Secretary. 96

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