

**SB88 ENGROSSED**



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



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to expungements; to amend Section 15-27-5, Code of Alabama 1975, to further provide for the procedures regarding an expungement.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-27-5, Code of Alabama 1975, is amended to read as follows:

"§15-27-5

(a) (1) If the prosecuting authority or victim files an objection to the granting of a petition under this chapter, the court having jurisdiction over the matter shall set a date for a hearing no sooner than 14 days from the filing of the objection. The court shall notify the prosecuting authority and the petitioner of the hearing date.

(2) If no objection to the petition is filed by the prosecuting authority or victim, the court having jurisdiction over the matter may set the matter for a hearing.

(b) In making its determination, the court shall consider all of the following factors:

(1) Nature and seriousness of the offense committed.

(2) Circumstances under which the offense occurred.



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(3) Date of the offense.

(4) Age of the person when the offense was committed.

(5) Whether the offense was an isolated or repeated incident.

(6) Other conditions ~~which~~ that may have contributed to the offense.

(7) An available probation or parole record, report, or recommendation.

(8) Whether the offense was dismissed or nolle prossed as part of a negotiated plea agreement and whether the petitioner pleaded guilty to another related or lesser offense.

(9) Evidence of rehabilitation, including good conduct in prison or jail, in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful business or employment history, and the recommendation of his or her supervisors or other persons in the community.

(10) Any other matter the court deems relevant, which may include, but is not limited to, a prior expungement of the petitioner's records.

~~(b)~~ (c) A hearing under subsection (a) shall be conducted in a manner prescribed by the trial judge and shall include oral argument and review of relevant documentation in support of, or in objection to, the granting of the petition. The Alabama Rules of Evidence shall apply to the hearing. Leave of the court shall be obtained for the taking of witness testimony relating to any disputed fact.



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

60           (e) The court shall grant the petition if it is  
61 reasonably satisfied from the evidence that the petitioner has  
62 complied with and satisfied the requirements of this chapter.  
63 The court shall have discretion over the number of cases that  
64 may be expunged pursuant to this chapter after the first case  
65 is expunged.

66           (f) The ruling of the court shall be subject to appeal  
67 ~~certiorari review~~ and may not be reversed absent a showing of  
68 an abuse of discretion.

69           ~~(d) If no objection to a petition is filed by the~~  
70 ~~prosecuting authority or victim, the court having jurisdiction~~  
71 ~~over the matter shall rule on the merits of the petition~~  
72 ~~without setting the matter for hearing. In such cases, the~~  
73 ~~court shall grant the petition if it is reasonably satisfied~~  
74 ~~from the evidence that the petitioner has complied with and~~  
75 ~~satisfied the requirements of this chapter."~~

76           Section 2. This act shall become effective on October  
77 1, 2025.



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78  
79  
80 Senate

81 Read for the first time and referred .....04-Feb-25  
82 to the Senate committee on Judiciary  
83  
84 Read for the second time and placed .....20-Feb-25  
85 on the calendar:  
86 1 amendment  
87  
88 Read for the third time and passed .....04-Mar-25  
89 as amended  
90 Yeas 30  
91 Nays 0  
92 Abstains 0  
93  
94

95 Patrick Harris,  
96 Secretary.  
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