

**SB88 ENROLLED**



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



## SB88 Enrolled

Enrolled, 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~~ 30 days from the filing of the objection. The court shall notify the prosecuting authority, the victim, 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.
- (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



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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.

~~(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



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57 complied with and satisfied the requirements of this chapter.  
58 The court shall have discretion over the number of cases that  
59 may be expunged pursuant to this chapter after the first case  
60 is expunged.

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

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

71 Section 2. This act shall become effective on October  
72 1, 2025.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

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Senate 04-Mar-25

I hereby certify that the within Act originated in and passed  
the Senate, as amended.

Patrick Harris,  
Secretary.

\_\_\_\_\_  
House of Representatives

Amended and passed: 07-May-25

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Senate concurred in House amendment 14-May-25

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By: Senator Orr