

SB88 INTRODUCED



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



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SYNOPSIS:

Under existing law, a person may file a petition to have a criminal offense expunged in certain circumstances.

Under existing law, if no objection to a petition is filed by the prosecuting authority or the victim, the court shall rule on the merits of the petition without having a hearing.

This bill would allow a judge to set a hearing on a petition for an expungement even if no objection to the expungement petition is filed by the prosecuting authority or victim.

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



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

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

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

40 (1) Nature and seriousness of the offense committed.

41 (2) Circumstances under which the offense occurred.

42 (3) Date of the offense.

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

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

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

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

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

54 (9) Evidence of rehabilitation, including good conduct
55 in prison or jail, in the community, counseling or psychiatric
56 treatment received, acquisition of additional academic or



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57 vocational schooling, successful business or employment
58 history, and the recommendation of his or her supervisors or
59 other persons in the community.

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

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

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

73 (e) The court shall grant the petition if it is
74 reasonably satisfied from the evidence that the petitioner has
75 complied with and satisfied the requirements of this chapter.
76 The court shall have discretion over the number of cases that
77 may be expunged pursuant to this chapter after the first case
78 is expunged.

79 (f) The ruling of the court shall be subject to
80 certiorari review and may not be reversed absent a showing of
81 an abuse of discretion.

82 ~~(d) If no objection to a petition is filed by the~~
83 ~~prosecuting authority or victim, the court having jurisdiction~~
84 ~~over the matter shall rule on the merits of the petition~~



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85 ~~without setting the matter for hearing. In such cases, the~~
86 ~~court shall grant the petition if it is reasonably satisfied~~
87 ~~from the evidence that the petitioner has complied with and~~
88 ~~satisfied the requirements of this chapter."~~

89 Section 2. This act shall become effective on October
90 1, 2025.