



House Judiciary Reported Substitute for HB535

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A BILL
TO BE ENTITLED
AN ACT

Relating to expungement; to amend Sections 15-27-1, 15-27-2, 15-27-4, and 15-27-5, Code of Alabama 1975, as last amended by Act 2025-427, 2025 Regular Session, to further provide for the right to expungement; to authorize the expungement of overturned or vacated convictions; to authorize the expungement of pardoned offenses; and to provide minimum hearing requirements for an expungement petition.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 15-27-1, 15-27-2, 15-27-4, and 15-27-5, Code of Alabama 1975, as last amended by Act 2025-427, 2025 Regular Session, are amended to read as follows:

"§15-27-1

(a) A person who has been charged with a misdemeanor offense, violation, traffic violation, boating violation, or municipal ordinance violation may file a petition in the criminal division of the circuit court in the county in which the charges were filed, to expunge records relating to the charge in any of the following circumstances:

(1) When the charge has been dismissed with prejudice



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29 and more than 90 days have passed.

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

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

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

37 (5) When the indictment has been quashed and the
38 statute of limitations for refiling the charge or charges has
39 expired or the prosecuting agency confirms that the charge or
40 charges will not be refiled.

41 (6)a. When the charge was dismissed after successful
42 completion of a drug court program, mental health court
43 program, diversion program, veteran's court program, or any
44 other court-approved deferred prosecution program.

45 b. Expungement may be a court-ordered condition of a
46 program listed in paragraph a.

47 c. A petition for expungement may be filed one year
48 from the date of successful completion of a program listed in
49 paragraph a.

50 (7) When the charge was dismissed without prejudice
51 more than one year ago and has not been refiled, and the
52 person has not been convicted of any other felony or
53 misdemeanor crime, violation, boating violation, or traffic
54 violation, excluding minor traffic violations, during the
55 previous two years.

56 (8) When the person proves by a preponderance of the



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57 evidence that the person is a victim of human trafficking⁷;
58 that the person committed the misdemeanor offense, violation,
59 traffic violation, boating violation, or municipal ordinance
60 violation during the period the person was being trafficked⁷;
61 and that the person would not have committed the offense or
62 violation but for being trafficked. Evidence that a person is
63 a victim of human trafficking may include, but is not limited
64 to, evidence that the person's trafficker was convicted of
65 trafficking the person under Section 13A-6-152 or Section
66 13A-6-153.

67 (b) Subsection (a) notwithstanding, a person who has
68 been convicted of a misdemeanor offense, violation, traffic
69 violation, boating violation, or municipal ordinance violation
70 or a person who has been adjudged a youthful offender and the
71 underlying charge is a misdemeanor offense, violation, traffic
72 violation, boating violation, or municipal ordinance violation
73 may file a petition in the criminal division of the circuit
74 court in the county in which the charges were filed to expunge
75 records relating to the charge and the conviction if all of
76 the following occur:

77 (1) Except as provided in Section 15-27-4, all
78 probation or parole requirements have been completed,
79 including payment of all fines, costs, restitution, and other
80 court-ordered amounts, and are evidenced by the applicable
81 court or agency.

82 (2) Three years have passed from the date of
83 conviction.

84 (3) If the person was convicted of any of the offenses



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85 enumerated in 49 C.F.R. § 383.51, the person was not operating
86 a commercial motor vehicle at the time of the offense, or was
87 not holding a commercial driver license or a commercial
88 learner permit at the time of the offense.

89 (4) The conviction is not a violent offense, as
90 provided in Section 12-25-32.

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

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

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

103 (8) The conviction is not for domestic violence in the
104 third degree, pursuant to Section 13A-6-132.

105 (9) The conviction is not for theft of property in the
106 third degree, pursuant to Section 13A-8-4.1.

107 (c) A person who has been convicted of any misdemeanor
108 offense, violation, traffic violation, boating violation, or
109 municipal ordinance violation, other than a violent offense,
110 as provided in Section 12-25-32, or a sex offense, as provided
111 in Section 15-20A-5, may file a petition in the criminal
112 division of the circuit court in the county in which the



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113 charges were filed to expunge records relating to the charge
114 and the conviction if the conviction has been reversed and
115 rendered by an appellate court, or if the person has been
116 granted a certificate of pardon with restoration of civil and
117 political rights for the conviction from the Board of Pardons
118 and Paroles.

119 ~~(e)~~ (d) (1) Subject to Section 15-27-16, records related
120 to offenses and convictions may be disclosed to any of the
121 following:

122 a. A criminal justice agency, district attorney, or
123 prosecuting authority for criminal investigation purposes as
124 provided in Section 15-27-7.

125 b. A utility and its agents and affiliates.

126 c. The Department of Human Resources for the purpose of
127 investigation or assessment in order to protect children or
128 vulnerable adults.

129 d. Any entity or service providing information to
130 banking, insurance, and other financial institutions as
131 required for various requirements as provided in state and
132 federal law.

133 (2) Any criminal charges that are expunged or are
134 pending expungement pursuant to this section shall be
135 available for use by any attorney, officer of the court, or
136 the court itself in any civil matters related to the criminal
137 charges expunged or seeking to be expunged, regardless of the
138 outcome of the petitioned expungement. At the conclusion of
139 the pending civil matter, all references to the criminal
140 charges expunged or to be expunged shall be redacted in the



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141 event the criminal charges are expunged.

142 ~~(d)~~ (e) The circuit court shall have exclusive
143 jurisdiction of a petition filed under ~~subsections (a) and~~
144 ~~(b)~~ this section."

145 "§15-27-2

146 (a) A person who has been charged with any felony
147 offense may file a petition in the criminal division of the
148 circuit court in the county in which the charges were filed,
149 to expunge records relating to the charge in any of the
150 following circumstances:

151 (1) When the charge ~~is~~ has been dismissed with
152 prejudice and more than 90 days have passed.

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

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

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

160 (5) When the indictment has been quashed and the
161 statute of limitations for refileing the charge or charges has
162 expired or the prosecuting agency confirms that the charge or
163 charges will not be refiled.

164 (6)a. When the charge was dismissed after successful
165 completion of a drug court program, mental health court
166 program, diversion program, veteran's court program, or any
167 other court-approved deferred prosecution program.

168 b. Expungement may be a court-ordered condition of a



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169 program listed in paragraph a.

170 c. A petition for expungement may be filed one year
171 from the date of the successful completion of a program listed
172 in paragraph a.

173 (7) When the charge was dismissed without prejudice
174 more than five years ago and has not been refiled and the
175 person has not been convicted of any other felony or
176 misdemeanor crime, any violation, or any traffic violation,
177 excluding minor traffic violations, during the previous five
178 years.

179 (8) When the person proves by a preponderance of the
180 evidence that the person is a victim of human trafficking,
181 that the person committed the felony offense during the period
182 the person was being trafficked, and that the person would not
183 have committed the felony offense but for being trafficked.
184 Evidence that a person is a victim of human trafficking may
185 include, but is not limited to, evidence that the person's
186 trafficker was convicted of trafficking the person under
187 Section 13A-6-152 or Section 13A-6-153.

188 (b) Subsection (a) notwithstanding, convictions for any
189 of the following violent offenses, as defined in Section
190 12-25-32, may be expunged upon a showing that the person
191 committed the felony offense during the period the person was
192 trafficked, and that the person would not have committed the
193 felony offense but for being trafficked:

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

196 (2) Domestic violence in the third degree pursuant to



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197 ~~subsection (d) of~~ Section 13A-6-132 (d).

198 (3) Production of obscene matter involving a person
199 under the age of 17 years pursuant to Section 13A-12-197.

200 (c) A person who has been convicted of a felony offense
201 may file a petition in the criminal division of the circuit
202 court in the county in which the charges were filed to expunge
203 records relating to the charge and the conviction if all of
204 the following occur:

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

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

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

212 (4) Except as provided in subsection (b), the
213 conviction is not a violent offense, as provided in Section
214 12-25-32.

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

217 (6) The conviction is not an offense involving moral
218 turpitude, as provided in Section 17-3-30.1. This subdivision
219 does not apply if the crime the person was convicted of was
220 classified as a felony at the time of the conviction, but has
221 been reclassified as a misdemeanor, pursuant to Act 2015-185,
222 and the person has not been arrested for any offense,
223 excluding minor traffic violations, 15 years prior to the
224 filing of the petition for expungement.



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

227 (8) If the person was convicted of any of the offenses
228 enumerated in 49 C.F.R. § 383.51, the person was not holding a
229 commercial driver license or a commercial learner's permit at
230 the time of the offense, or was not operating a commercial
231 motor vehicle at the time of the offense.

232 (d) A person who has been convicted of any felony
233 offense, other than a violent offense, as provided in Section
234 12-25-32, or a sex offense, as provided in Section 15-20A-5,
235 may file a petition in the criminal division of the circuit
236 court in the county in which the charges were filed to expunge
237 records relating to the charge and the conviction if the
238 conviction has been reversed and rendered by an appellate
239 court, or if the person has been granted a certificate of
240 pardon with restoration of civil and political rights for the
241 conviction from the Board of Pardons and Paroles.

242 ~~(d)~~ (e) Subject to Section 15-27-16, records related to
243 offenses and convictions may be disclosed to a criminal
244 justice agency, a district attorney, or a prosecuting
245 authority for criminal investigation purposes as provided in
246 Section 15-27-7, to a utility and its agents and affiliates,
247 to the Department of Human Resources for the purpose of
248 investigation or assessment in order to protect children or
249 vulnerable adults, or to any entity or service providing
250 information to banking, insurance, and other financial
251 institutions as required for various requirements as provided
252 in state and federal law. Further, any criminal charges that



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253 are expunged or are pending expungement pursuant to Section
254 15-27-2 shall be available for use by any attorney, officer of
255 the court, or the court itself in any civil matters related to
256 the criminal charges expunged or seeking to be expunged
257 regardless of the outcome of the petitioned expungement. At
258 the conclusion of the pending civil matter, all references to
259 the criminal charges expunged or to be expunged shall be
260 redacted in the event the criminal charges are expunged.

261 ~~(e)~~ (f) The circuit court shall have exclusive
262 jurisdiction of a petition filed under subsection (a), (b), or
263 (c)."

264 "§15-27-4

265 (a) In addition to any cost of court or docket fee for
266 filing the petition in circuit court, an administrative filing
267 fee of five hundred dollars (\$500) shall be paid at the time
268 the petition is filed and is a condition precedent to any
269 ruling of the court pursuant to this chapter. The
270 administrative filing fee shall be distributed as follows:

271 (1) Seventy-five dollars (\$75) to the State Judicial
272 Administrative Fund.

273 (2) Twenty-five dollars (\$25) to the Alabama Department
274 of Forensic Sciences.

275 (3) Fifty dollars (\$50) to the district attorney's
276 office.

277 (4) Fifty dollars (\$50) to the clerk's office of the
278 circuit court having jurisdiction over the matter, for the use
279 and benefit of the circuit court clerk.

280 (5) Fifty dollars (\$50) to the Public Safety Fund.



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281 (6) Fifty dollars (\$50) to the general fund of the
282 county where the arresting law enforcement agency is located
283 if the arrest was made by the sheriff's office to be used for
284 law enforcement purposes, or, if the arrest was made by
285 another law enforcement agency, to the municipality or other
286 entity or state agency funding the law enforcement activity.

287 (7) One hundred dollars (\$100) to the ~~state~~State
288 General Fund.

289 (8) Fifty dollars (\$50) to the Education Trust Fund.

290 (9) Fifty dollars (\$50) to the Fair Trial Tax Fund.

291 (b) (1) When a petitioner is seeking the expungement of
292 multiple charges arising from one arrest, the petitioner shall
293 only be required to pay one filing fee pursuant to subsection
294 (a).

295 (2) When a petitioner is seeking the expungement of
296 multiple charges arising from multiple arrests, the petitioner
297 shall be required to pay a filing fee for each arrest pursuant
298 to subsection (a).

299 (c) Notwithstanding subsection (a), a person seeking
300 relief under this chapter may apply for indigent status by
301 completing an Affidavit of Substantial Hardship and Order
302 which shall be submitted with the petition. If the court finds
303 the petitioner is indigent, the court shall waive the filing
304 fee provided in subsection (a).

305 (d) If a petitioner seeks expungement of an arrest or
306 conviction record and the court in the original case made a
307 clear and unequivocal judicial finding on the record that the
308 arrest had no foundation of probable cause, the court, in the



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309 expungement proceeding, shall waive all docket fees and court
310 costs, except for the ~~filling~~filing fee in subsection (a)."

311 "§15-27-5

312 (a) (1) If the prosecuting authority or victim files an
313 objection to the granting of a petition under this chapter,
314 the court having jurisdiction over the matter shall set a date
315 for a hearing no sooner than 30 days from the filing of the
316 objection. The court shall notify the prosecuting authority,
317 the victim, and the petitioner of the hearing date.

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

321 (3) The court having jurisdiction over the matter may
322 not deny a petition on the merits under this chapter without
323 conducting the hearing.

324 (4) If a petition is facially invalid, the court may
325 dismiss the petition without setting a hearing.

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

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

329 (2) Circumstances under which the offense occurred.

330 (3) Date of the offense.

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

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

334 (6) Other conditions that may have contributed to the
335 offense.

336 (7) An available probation or parole record, report, or



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337 recommendation.

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

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

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

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

358 (d) ~~There is no right to the expungement of any~~
359 ~~criminal record, and any~~Any request for expungement of a
360 criminal record may be denied ~~at the sole discretion of the~~
361 ~~court~~following a hearing on the merits of the petition.

362 (e) The court shall grant the petition if the court is
363 reasonably satisfied from the evidence that the petitioner has
364 complied with and satisfied the requirements of this chapter.



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365 The court shall have discretion over the number of cases that
366 may be expunged pursuant to this chapter after the first case
367 is expunged.

368 (f) The ruling of the court shall be subject to appeal
369 and may not be reversed ~~absent a showing of an abuse of~~
370 ~~discretion~~unless the ruling is clearly erroneous."

371 Section 2. This act shall become effective on October
372 1, 2026.