

HB535 INTRODUCED



1 HB535
2 EJKHG22-1
3 By Representatives Hendrix, Tillman, McClammy, Daniels,
4 England
5 RFD: Judiciary
6 First Read: 03-Mar-26



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SYNOPSIS:

Under existing law, a person may petition to have records of a criminal conviction expunged if certain requirements are first satisfied. The court may hold a hearing on the petition, and is only required to hold a hearing if there is an objection from the prosecution or a victim of the offense.

This bill would authorize a person whose conviction was overturned or vacated to petition a court for the expungement of the conviction.

This bill would authorize a person whose offense was pardoned to petition a court for the expungement of the offense.

This bill would require a hearing on the expungement petition prior to the dismissal of the petition.

Also under existing law, a filing fee of \$500 is required for any petition for expungement.

This bill would waive the filing fee and associated court costs if the petition for expungement is for an arrest record following a finding of not guilty, or if a petition seeks the expungement of an overturned or vacated conviction.



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29 A BILL
30 TO BE ENTITLED
31 AN ACT

32
33 Relating to expungement; to amend Sections 15-27-1,
34 15-27-2, 15-27-4, and 15-27-5, Code of Alabama 1975, as last
35 amended by Act 2025-427, 2025 Regular Session, to further
36 provide for the right to expungement; to authorize the
37 expungement of overturned or vacated convictions; to authorize
38 the expungement of pardoned offenses; and to provide minimum
39 hearing requirements for an expungement petition.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41 Section 1. Sections 15-27-1, 15-27-2, 15-27-4, and
42 15-27-5, Code of Alabama 1975, as last amended by Act
43 2025-427, 2025 Regular Session, are amended to read as
44 follows:

45 "§15-27-1

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

52 (1) When the charge has been dismissed with prejudice
53 and more than 90 days have passed.

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

56 (3) When the person has been found not guilty of the



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57 charge and more than 90 days have passed.

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

61 (5) When the indictment has been quashed and the
62 statute of limitations for refileing the charge or charges has
63 expired or the prosecuting agency confirms that the charge or
64 charges will not be refiled.

65 (6)a. When the charge was dismissed after successful
66 completion of a drug court program, mental health court
67 program, diversion program, veteran's court program, or any
68 other court-approved deferred prosecution program.

69 b. Expungement may be a court-ordered condition of a
70 program listed in paragraph a.

71 c. A petition for expungement may be filed one year
72 from the date of successful completion of a program listed in
73 paragraph a.

74 (7) When the charge was dismissed without prejudice
75 more than one year ago and has not been refiled, and the
76 person has not been convicted of any other felony or
77 misdemeanor crime, violation, boating violation, or traffic
78 violation, excluding minor traffic violations, during the
79 previous two years.

80 (8) When the person proves by a preponderance of the
81 evidence that the person is a victim of human trafficking^T_i
82 that the person committed the misdemeanor offense, violation,
83 traffic violation, boating violation, or municipal ordinance
84 violation during the period the person was being trafficked^T_i



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85 and that the person would not have committed the offense or
86 violation but for being trafficked. Evidence that a person is
87 a victim of human trafficking may include, but is not limited
88 to, evidence that the person's trafficker was convicted of
89 trafficking the person under Section 13A-6-152 or Section
90 13A-6-153.

91 (b) Subsection (a) notwithstanding, a person who has
92 been convicted of a misdemeanor offense, violation, traffic
93 violation, boating violation, or municipal ordinance violation
94 or a person who has been adjudged a youthful offender and the
95 underlying charge is a misdemeanor offense, violation, traffic
96 violation, boating violation, or municipal ordinance violation
97 may file a petition in the criminal division of the circuit
98 court in the county in which the charges were filed to expunge
99 records relating to the charge and the conviction if all of
100 the following occur:

101 (1) Except as provided in Section 15-27-4, all
102 probation or parole requirements have been completed,
103 including payment of all fines, costs, restitution, and other
104 court-ordered amounts, and are evidenced by the applicable
105 court or agency.

106 (2) Three years have passed from the date of
107 conviction.

108 (3) If the person was convicted of any of the offenses
109 enumerated in 49 C.F.R. § 383.51, the person was not operating
110 a commercial motor vehicle at the time of the offense, or was
111 not holding a commercial driver license or a commercial
112 learner permit at the time of the offense.



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

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

117 (6) The conviction is not an offense involving moral
118 turpitude, as provided in Section 17-3-30.1. This subdivision
119 does not apply if the crime the person was convicted of was
120 classified as a felony at the time of the conviction, but has
121 been reclassified as a misdemeanor pursuant to Act 2015-185,
122 and the person has not been arrested for any offense,
123 excluding minor traffic violations, 15 years prior to the
124 filing of the petition for expungement.

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

127 (c) A person who has been convicted of any misdemeanor
128 offense, violation, traffic violation, boating violation, or
129 municipal ordinance violation may file a petition in the
130 criminal division of the circuit court in the county in which
131 the charges were filed to expunge records relating to the
132 charge and the conviction if the conviction has been vacated
133 or overturned, or if the person has been granted a certificate
134 of pardon with restoration of civil and political rights for
135 the conviction from the Board of Pardons and Paroles.

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

139 a. A criminal justice agency, district attorney, or
140 prosecuting authority for criminal investigation purposes as



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141 provided in Section 15-27-7.

142 b. A utility and its agents and affiliates.

143 c. The Department of Human Resources for the purpose of
144 investigation or assessment in order to protect children or
145 vulnerable adults.

146 d. Any entity or service providing information to
147 banking, insurance, and other financial institutions as
148 required for various requirements as provided in state and
149 federal law.

150 (2) Any criminal charges that are expunged or are
151 pending expungement pursuant to this section shall be
152 available for use by any attorney, officer of the court, or
153 the court itself in any civil matters related to the criminal
154 charges expunged or seeking to be expunged, regardless of the
155 outcome of the petitioned expungement. At the conclusion of
156 the pending civil matter, all references to the criminal
157 charges expunged or to be expunged shall be redacted in the
158 event the criminal charges are expunged.

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

162 "§15-27-2

163 (a) A person who has been charged with any felony
164 offense may file a petition in the criminal division of the
165 circuit court in the county in which the charges were filed,
166 to expunge records relating to the charge in any of the
167 following circumstances:

168 (1) When the charge ~~is~~ has been dismissed with



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169 prejudice and more than 90 days have passed.

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

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

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

177 (5) When the indictment has been quashed and the
178 statute of limitations for refiling the charge or charges has
179 expired or the prosecuting agency confirms that the charge or
180 charges will not be refiled.

181 (6)a. When the charge was dismissed after successful
182 completion of a drug court program, mental health court
183 program, diversion program, veteran's court program, or any
184 other court-approved deferred prosecution program.

185 b. Expungement may be a court-ordered condition of a
186 program listed in paragraph a.

187 c. A petition for expungement may be filed one year
188 from the date of the successful completion of a program listed
189 in paragraph a.

190 (7) When the charge was dismissed without prejudice
191 more than five years ago and has not been refiled and the
192 person has not been convicted of any other felony or
193 misdemeanor crime, any violation, or any traffic violation,
194 excluding minor traffic violations, during the previous five
195 years.

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



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197 evidence that the person is a victim of human trafficking,
198 that the person committed the felony offense during the period
199 the person was being trafficked, and that the person would not
200 have committed the felony offense but for being trafficked.
201 Evidence that a person is a victim of human trafficking may
202 include, but is not limited to, evidence that the person's
203 trafficker was convicted of trafficking the person under
204 Section 13A-6-152 or Section 13A-6-153.

205 (b) Subsection (a) notwithstanding, convictions for any
206 of the following violent offenses, as defined in Section
207 12-25-32, may be expunged upon a showing that the person
208 committed the felony offense during the period the person was
209 trafficked, and that the person would not have committed the
210 felony offense but for being trafficked:

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

213 (2) Domestic violence in the third degree pursuant to
214 ~~subsection (d) of~~ Section 13A-6-132 (d).

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

217 (c) A person who has been convicted of a felony offense
218 may file a petition in the criminal division of the circuit
219 court in the county in which the charges were filed to expunge
220 records relating to the charge and the conviction if all of
221 the following occur:

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



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

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

229 (4) Except as provided in subsection (b), the
230 conviction is not a violent offense, as provided in Section
231 12-25-32.

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

234 (6) The conviction is not an offense involving moral
235 turpitude, as provided in Section 17-3-30.1. This subdivision
236 does not apply if the crime the person was convicted of was
237 classified as a felony at the time of the conviction, but has
238 been reclassified as a misdemeanor, pursuant to Act 2015-185,
239 and the person has not been arrested for any offense,
240 excluding minor traffic violations, 15 years prior to the
241 filing of the petition for expungement.

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

244 (8) If the person was convicted of any of the offenses
245 enumerated in 49 C.F.R. § 383.51, the person was not holding a
246 commercial driver license or a commercial learner's permit at
247 the time of the offense, or was not operating a commercial
248 motor vehicle at the time of the offense.

249 (d) A person who has been convicted of any felony
250 offense may file a petition in the criminal division of the
251 circuit court in the county in which the charges were filed to
252 expunge records relating to the charge and the conviction if



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253 the conviction has been vacated or overturned, or if the
254 person has been granted a certificate of pardon with
255 restoration of civil and political rights for the conviction
256 from the Board of Pardons and Paroles.

257 ~~(d)~~ (e) Subject to Section 15-27-16, records related to
258 offenses and convictions may be disclosed to a criminal
259 justice agency, a district attorney, or a prosecuting
260 authority for criminal investigation purposes as provided in
261 Section 15-27-7, to a utility and its agents and affiliates,
262 to the Department of Human Resources for the purpose of
263 investigation or assessment in order to protect children or
264 vulnerable adults, or to any entity or service providing
265 information to banking, insurance, and other financial
266 institutions as required for various requirements as provided
267 in state and federal law. Further, any criminal charges that
268 are expunged or are pending expungement pursuant to Section
269 15-27-2 shall be available for use by any attorney, officer of
270 the court, or the court itself in any civil matters related to
271 the criminal charges expunged or seeking to be expunged
272 regardless of the outcome of the petitioned expungement. At
273 the conclusion of the pending civil matter, all references to
274 the criminal charges expunged or to be expunged shall be
275 redacted in the event the criminal charges are expunged.

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

279 "§15-27-4

280 (a) In addition to any cost of court or docket fee for



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281 filing the petition in circuit court, an administrative filing
282 fee of five hundred dollars (\$500) shall be paid at the time
283 the petition is filed and is a condition precedent to any
284 ruling of the court pursuant to this chapter. The
285 administrative filing fee shall be distributed as follows:

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

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

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

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

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

296 (6) Fifty dollars (\$50) to the general fund of the
297 county where the arresting law enforcement agency is located
298 if the arrest was made by the sheriff's office to be used for
299 law enforcement purposes, or, if the arrest was made by
300 another law enforcement agency, to the municipality or other
301 entity or state agency funding the law enforcement activity.

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

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

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

306 (b) (1) When a petitioner is seeking the expungement of
307 multiple charges arising from one arrest, the petitioner shall
308 only be required to pay one filing fee pursuant to subsection



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309 (a).

310 (2) When a petitioner is seeking the expungement of
311 multiple charges arising from multiple arrests, the petitioner
312 shall be required to pay a filing fee for each arrest pursuant
313 to subsection (a).

314 (c) Notwithstanding subsection (a), a person seeking
315 relief under this chapter may apply for indigent status by
316 completing an Affidavit of Substantial Hardship and Order
317 which shall be submitted with the petition. If the court finds
318 the petitioner is indigent, the court shall waive the filing
319 fee provided in subsection (a).

320 (d) If a petitioner seeks expungement of an arrest or
321 conviction record and the court in the original case made a
322 clear and unequivocal judicial finding on the record that the
323 arrest had no foundation of probable cause, the court, in the
324 expungement proceeding, shall waive all docket fees and court
325 costs, except for the ~~filing~~filing fee in subsection (a).

326 (e) If a petition seeks the expungement of an arrest
327 record following a finding of not guilty, or if a petition
328 seeks the expungement of an overturned or vacated conviction,
329 the court, in the expungement proceeding, shall waive all
330 docket fees, court costs, and the filing fee in subsection
331 (a)."

332 "§15-27-5

333 (a) (1) If the prosecuting authority or victim files an
334 objection to the granting of a petition under this chapter,
335 the court having jurisdiction over the matter shall set a date
336 for a hearing no sooner than 30 days from the filing of the



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337 objection. The court shall notify the prosecuting authority,
338 the victim, and the petitioner of the hearing date.

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

342 (3) The court having jurisdiction over the matter may
343 not deny a petition under this chapter without conducting the
344 hearing.

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

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

348 (2) Circumstances under which the offense occurred.

349 (3) Date of the offense.

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

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

353 (6) Other conditions that may have contributed to the
354 offense.

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

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

361 (9) Evidence of rehabilitation, including good conduct
362 in prison or jail or in the community, counseling or
363 psychiatric treatment received, acquisition of additional
364 academic or vocational schooling, successful business or



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365 employment history, and the recommendation of his or her
366 supervisors or other persons in the community.

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

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

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

381 (e) The court shall grant the petition if the court is
382 reasonably satisfied from the evidence that the petitioner has
383 complied with and satisfied the requirements of this chapter.
384 The court shall have discretion over the number of cases that
385 may be expunged pursuant to this chapter after the first case
386 is expunged.

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

390 Section 2. This act shall become effective on October
391 1, 2026.