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SYNOPSIS:

Under existing law, following an acquittal or dismissal of a felony, misdemeanor, violation, traffic violation, boating violation, or municipal ordinance violation, the defendant may petition the circuit court in which the charges were filed to have the records expunged.

This bill would revise the conditions under which a person is eligible to apply for the expungement of his or her criminal records, including lowering the number of days a person must wait following a dismissal of the charge with prejudice or a finding of not guilty.

A BILL
TO BE ENTITLED
AN ACT

Relating to expungement; to amend Sections 15-27-1 and 15-27-2, Code of Alabama 1975, to further provide for the conditions under which a person is eligible for the expungement of certain criminal records.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 15-27-1 and 15-27-2, Code of



29 Alabama 1975, are amended to read as follows:

30 "§15-27-1

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

37 (1) When the charge has been dismissed with prejudice
38 and more than ~~90~~30 days have passed.

39 (2) When the charge has been no billed by a grand jury
40 and ~~more than 90 days have passed~~the statute of limitations
41 for refiling the charge or charges has expired.

42 (3) When after a trial on the evidence, the person has
43 been found not guilty of the charge and more than ~~90~~30 days
44 have passed.

45 (4) When the charge has been nolle prossed without
46 conditions, ~~more than 90 days have passed, and the charge or~~
47 ~~charges have not been refiled~~ and the statute of limitations
48 for refiling the charge or charges has expired.

49 (5) When the indictment has been quashed and the
50 statute of limitations for refiling the charge or charges has
51 expired or the prosecuting agency confirms that the charge or
52 charges will not be refiled.

53 (6)a. When the charge was dismissed after successful
54 completion of a drug court program, mental health court
55 program, diversion program, veteran's court program, or any
56 other court-approved deferred prosecution program.



57 b. Expungement may be a court-ordered condition of a
58 program listed in paragraph a.

59 c. A petition for expungement may be filed one year
60 from the date of successful completion of a program listed in
61 paragraph a.

62 (7) When the charge was dismissed without prejudice
63 more than one year ago and has not been refiled, and the
64 person has not been convicted of any other felony or
65 misdemeanor crime, violation, or traffic violation, excluding
66 minor traffic violations, during the previous two years.

67 (8) When the person proves by a preponderance of the
68 evidence that the person is a victim of human trafficking,
69 that the person committed the misdemeanor offense, violation,
70 traffic violation, or municipal ordinance violation during the
71 period the person was being trafficked, and that the person
72 would not have committed the offense or violation but for
73 being trafficked. Evidence that a person is a victim of human
74 trafficking may include, but is not limited to, evidence that
75 the person's trafficker was convicted of trafficking the
76 person under Section 13A-6-152 or Section 13A-6-153.

77 (b) Subsection (a) notwithstanding, a person who has
78 been convicted of a misdemeanor offense, violation, traffic
79 violation, boating violation, or municipal ordinance violation
80 or a person who has been adjudged a youthful offender and the
81 underlying charge is a misdemeanor offense, violation, traffic
82 violation, boating violation, or municipal ordinance violation
83 may file a petition in the criminal division of the circuit
84 court in the county in which the charges were filed to expunge



113 (c) (1) Subject to Section 15-27-16, records related to
114 offenses and convictions may be disclosed to any of the
115 following:

116 a. A criminal justice agency, district attorney, or
117 prosecuting authority for criminal investigation purposes as
118 provided in Section 15-27-7.

119 b. A utility and its agents and affiliates.

120 c. The Department of Human Resources for the purpose of
121 investigation or assessment in order to protect children or
122 vulnerable adults.

123 d. Any entity or service providing information to
124 banking, insurance, and other financial institutions as
125 required for various requirements as provided in state and
126 federal law.

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

136 (d) The circuit court shall have exclusive jurisdiction
137 of a petition filed under subsections (a) and (b)."

138 "§15-27-2

139 (a) A person who has been charged with any felony
140 offense may file a petition in the criminal division of the



141 circuit court in the county in which the charges were filed,
142 to expunge records relating to the charge in any of the
143 following circumstances:

144 (1) When the charge is dismissed with prejudice and
145 more than ~~90~~30 days have passed.

146 (2) When the charge has been no billed by a grand jury
147 and ~~more than 90 days have passed~~ the statute of limitations
148 for refiling the charge or charges has expired.

149 (3) When after a trial on the evidence, the person has
150 been found not guilty of the charge and more than ~~90~~30 days
151 have passed.

152 (4) When the charge has been nolle prossed without
153 conditions, ~~and more than 90 days have passed, and the charge~~
154 ~~or charges have not been refiled~~ and the statute of
155 limitations for refiling the charge or charges has expired.

156 (5) When the indictment has been quashed and the
157 statute of limitations for refiling the charge or charges has
158 expired or the prosecuting agency confirms that the charge or
159 charges will not be refiled.

160 (6)a. When the charge was dismissed after successful
161 completion of a drug court program, mental health court
162 program, diversion program, veteran's court program, or any
163 other court-approved deferred prosecution program.

164 b. Expungement may be a court-ordered condition of a
165 program listed in paragraph a.

166 c. A petition for expungement may be filed one year
167 from the date of the successful completion of a program listed
168 in paragraph a.



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

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

184 (b) Subsection (a) notwithstanding, convictions for any
185 of the following violent offenses, as defined in Section
186 12-25-32, may be expunged upon a showing that the person
187 committed the felony offense during the period the person was
188 trafficked, and that the person would not have committed the
189 felony offense but for being trafficked:

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

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

194 (3) Production of ~~obscene matter involving a person~~
195 ~~under the age of 17 years~~ child sexual abuse material pursuant
196 to Section 13A-12-197.



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

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

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

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

209 (4) Except as provided in subsection (b), the
210 conviction is not a violent offense, as provided in Section
211 12-25-32.

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

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

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

224 (8) If the person was convicted of any of the offenses



225 enumerated in 49 C.F.R. § 383.51, the person was not holding a
226 commercial driver license or a commercial learner's permit at
227 the time of the offense, or was not operating a commercial
228 motor vehicle at the time of the offense.

229 (d) Subject to Section 15-27-16, records related to
230 offenses and convictions may be disclosed to a criminal
231 justice agency, a district attorney, or a prosecuting
232 authority for criminal investigation purposes as provided in
233 Section 15-27-7, to a utility and its agents and affiliates,
234 to the Department of Human Resources for the purpose of
235 investigation or assessment in order to protect children or
236 vulnerable adults, or to any entity or service providing
237 information to banking, insurance, and other financial
238 institutions as required for various requirements as provided
239 in state and federal law. Further, any criminal charges that
240 are expunged or are pending expungement pursuant to Section
241 15-27-2 shall be available for use by any attorney, officer of
242 the court, or the court itself in any civil matters related to
243 the criminal charges expunged or seeking to be expunged
244 regardless of the outcome of the petitioned expungement. At
245 the conclusion of the pending civil matter, all references to
246 the criminal charges expunged or to be expunged shall be
247 redacted in the event the criminal charges are expunged.

248 (e) The circuit court shall have exclusive jurisdiction
249 of a petition filed under subsection (a), (b), or (c)."

250 Section 2. This act shall become effective on October
251 1, 2026.