

1 HB279  
2 179380-2  
3 By Representatives Baker, Farley, Beckman, Hill, Pettus,  
4 Shiver, Fridy and Drake  
5 RFD: Judiciary  
6 First Read: 21-FEB-17

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8 SYNOPSIS: Under existing law, a person charged with a  
9 misdemeanor criminal offense, traffic violation, or  
10 municipal ordinance violation and felony offenses,  
11 excluding violent offenses, may petition the  
12 circuit court to have the criminal record expunged  
13 if the charge was dismissed or if he or she meets  
14 other limited conditions.

15 This bill would expand the expungement of  
16 criminal records to include all felony charges,  
17 including violent offenses, when the person has  
18 been found not guilty of the crime.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT

23  
24 To amend Section 15-27-2, Code of Alabama 1975,  
25 relating to the expungement of criminal records, to expand the  
26 expungement of criminal records to include all felony charges,

1 including violent offenses, when the person has been found not  
2 guilty of the crime.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 15-27-2, Code of Alabama 1975, is  
5 amended to read as follows:

6 "§15-27-2.

7 "(a) A person who has been charged with a felony  
8 offense, except a violent offense as defined in Section  
9 12-25-32(14), may file a petition in the criminal division of  
10 the circuit court in the county in which the charges were  
11 filed, to expunge records relating to the charge in any of the  
12 following circumstances:

13 "(1) When the charge is dismissed with prejudice.

14 "(2) When the charge has been no billed by a grand  
15 jury.

16 "~~(3) When the person has been found not guilty of~~  
17 ~~the charge.~~

18 "~~(4)~~ (3)a. The charge was dismissed after successful  
19 completion of a drug court program, mental health court  
20 program, diversion program, veteran's court, or any  
21 court-approved deferred prosecution program after one year  
22 from successful completion of the program.

23 "b. Expungement may be a court-ordered condition of  
24 a program listed in paragraph a.

25 "~~(5)~~ (4) The charge was dismissed without prejudice  
26 more than five years ago, has not been refiled, and the person  
27 has not been convicted of any other felony or misdemeanor

1 crime, any violation, or any traffic violation, excluding  
2 minor traffic violations, during the previous five years.

3 ~~"(6) (5)~~ Ninety days have passed from the date of  
4 dismissal with prejudice, no-bill, acquittal, or nolle  
5 prosequi and the charge has not been refiled.

6 "(b) (1) A person who has been charged with any  
7 felony offense, including a violent offense as defined in  
8 Section 12-25-32, may file a petition in the criminal division  
9 of the circuit court in the county in which the charges were  
10 filed to expunge records relating to the charge if the person  
11 has been found not guilty of the charge.

12 "(2) Records related to violent offenses as defined  
13 in Section 12-25-32 may be disclosed to law enforcement agency  
14 for criminal investigation purposes as provided in Section  
15 15-27-7.

16 ~~"(b) (c)~~ The circuit court shall have exclusive  
17 jurisdiction of a petition filed under subsection (a) or  
18 subsection (b)."

19 Section 2. This act shall become effective on the  
20 first day of the third month following its passage and  
21 approval by the Governor, or its otherwise becoming law.