

SB153 ENROLLED



1 SB153
2 AMTGQ7Q-2
3 By Senator Jones
4 RFD: Judiciary
5 First Read: 21-Feb-24



SB153 Enrolled

1 Enrolled, An Act,

2

3

4 Relating to criminal procedure; to amend Section
5 15-27-1, Code of Alabama 1975, to provide that a person who
6 has been adjudged a youthful offender and the underlying
7 charge is a misdemeanor offense, violation, traffic violation,
8 or municipal ordinance violation can file a petition to
9 expunge the records relating to the charge and conviction
10 under certain circumstances.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 15-27-1, Code of Alabama 1975, is
13 amended to read as follows:

14 "§15-27-1

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

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

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

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

27 (4) When the charge has been nolle prossed without
28 conditions, more than 90 days have passed, and the charge or



SB153 Enrolled

29 charges have not been refiled.

30 (5) When the indictment has been quashed and the
31 statute of limitations for refileing the charge or charges has
32 expired or the prosecuting agency confirms that the charge or
33 charges will not be refiled.

34 (6)a. When the charge was dismissed after successful
35 completion of a drug court program, mental health court
36 program, diversion program, veteran's court program, or any
37 other court-approved deferred prosecution program.

38 b. Expungement may be a court-ordered condition of a
39 program listed in paragraph a.

40 c. A petition for expungement may be filed one year
41 from the date of successful completion of a program listed in
42 paragraph a.

43 (7) When the charge was dismissed without prejudice
44 more than one year ago and has not been refiled, and the
45 person has not been convicted of any other felony or
46 misdemeanor crime, ~~any~~ violation, or ~~any~~ traffic violation,
47 excluding minor traffic violations, during the previous two
48 years.

49 (8) When the person proves by a preponderance of the
50 evidence that the person is a victim of human trafficking,
51 that the person committed the misdemeanor offense, violation,
52 traffic violation, or municipal ordinance violation during the
53 period the person was being trafficked, and that the person
54 would not have committed the offense or violation but for
55 being trafficked. Evidence that a person is a victim of human
56 trafficking may include, but is not limited to, evidence that



SB153 Enrolled

57 the person's trafficker was convicted of trafficking the
58 person under Section 13A-6-152 or Section 13A-6-153.

59 (b) Subsection (a) notwithstanding, a person who has
60 been convicted of a misdemeanor offense, ~~a violation, a~~
61 traffic violation, or ~~a municipal ordinance violation~~ or a
62 person who has been adjudged a youthful offender and the
63 underlying charge is a misdemeanor offense, violation, traffic
64 violation, or municipal ordinance violation may file a
65 petition in the criminal division of the circuit court in the
66 county in which the charges were filed to expunge records
67 relating to the charge and the conviction if all of the
68 following occur:

69 (1) Except as provided in Section 15-27-4, all
70 probation or parole requirements have been completed,
71 including payment of all fines, costs, restitution, and other
72 court-ordered amounts, and are evidenced by the applicable
73 court or agency.

74 (2) Three years have passed from the date of
75 conviction.

76 (3) If the person was convicted of any of the offenses
77 enumerated in 49 C.F.R. § 383.51, the person was not operating
78 a commercial motor vehicle at the time of the offense, or was
79 not holding a commercial driver license or a commercial
80 ~~learner's~~ learner permit at the time of the offense.

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

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



SB153 Enrolled

85 (6) The conviction is not an offense involving moral
86 turpitude, as provided in Section 17-3-30.1. This subdivision
87 does not apply if the crime the person was convicted of was
88 classified as a felony at the time of the conviction, but has
89 been reclassified as a misdemeanor pursuant to Act 2015-185,
90 and the person has not been arrested for any offense,
91 excluding minor traffic violations, 15 years prior to the
92 filing of the petition for expungement.

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

95 (c) (1) Subject to Section 15-27-16, records related to
96 offenses and convictions may be disclosed to ~~a~~ any of the
97 following:

98 a. A criminal justice agency, ~~a~~ district attorney, or ~~a~~
99 prosecuting authority for criminal investigation purposes as
100 provided in Section 15-27-7, ~~to a~~.

101 b. A utility and its agents and affiliates, ~~to the~~.

102 c. The Department of Human Resources for the purpose of
103 investigation or assessment in order to protect children or
104 vulnerable adults, ~~or to any~~.

105 d. Any entity or service providing information to
106 banking, insurance, and other financial institutions as
107 required for various requirements as provided in state and
108 federal law. ~~Further, any~~

109 (2) Any criminal charges that are expunged or are
110 pending expungement pursuant to ~~Section 15-27-1~~ this section
111 shall be available for use by any attorney, officer of the
112 court, or the court itself in any civil matters related to the



SB153 Enrolled

113 criminal charges expunged or seeking to be expunged,
114 regardless of the outcome of the petitioned expungement. At
115 the conclusion of the pending civil matter, all references to
116 the criminal charges expunged or to be expunged shall be
117 redacted in the event the criminal charges are expunged.

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

120 Section 2. This act shall become effective on October
121 1, 2024.



SB153 Enrolled

122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB153
Senate 19-Mar-24
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 08-May-24

By: Senator Jones