SB153 ENROLLED



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



1 Enrolled, An Act,

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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 expunde records relating to the charge
- 20 in any of the following circumstances:
- 21 (1) When the charge has been dismissed with prejudice
- and more than 90 days have passed.
- 23 (2) When the charge has been no billed by a grand jury
- 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
- conditions, more than 90 days have passed, and the charge or



29 charges have not been refiled.

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- 30 (5) When the indictment has been quashed and the 31 statute of limitations for refiling 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 completion of a drug court program, mental health court program, diversion program, veteran's court program, or any other court-approved deferred prosecution program.
- 38 b. Expungement may be a court-ordered condition of a 39 program listed in paragraph a.
- c. A petition for expungement may be filed one year from the date of successful completion of a program listed in paragraph a.
 - (7) When the charge was dismissed without prejudice more than one year ago and has not been refiled, and the person has not been convicted of any other felony or misdemeanor crime, any violation, or any traffic violation, excluding minor traffic violations, during the previous two years.
 - (8) When the person proves by a preponderance of the evidence that the person is a victim of human trafficking, that the person committed the misdemeanor offense, violation, traffic violation, or municipal ordinance violation during the period the person was being trafficked, and that the person would not have committed the offense or violation but for being trafficked. Evidence that a person is a victim of human trafficking may include, but is not limited to, evidence that



- the person's trafficker was convicted of trafficking the 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 petition in the criminal division of the circuit court in the 65 county in which the charges were filed to expunge records 66 67 relating to the charge and the conviction if all of the
- (1) Except as provided in Section 15-27-4, all
 probation or parole requirements have been completed,
 including payment of all fines, costs, restitution, and other
 court-ordered amounts, and are evidenced by the applicable
 court or agency.
- 74 (2) Three years have passed from the date of conviction.

following occur:

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- (3) If the person was convicted of any of the offenses enumerated in 49 C.F.R. § 383.51, the person was not operating a commercial motor vehicle at the time of the offense, or was not holding a commercial driver license or a commercial 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 Section 15-20A-5.



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 offenses and convictions may be disclosed to a—any of the following:
- 98 <u>a. A criminal justice agency</u>, a district attorney, or a
 99 prosecuting authority for criminal investigation purposes as
 100 provided in Section 15-27-7, to a .
- b. A utility and its agents and affiliates, to the .

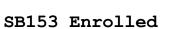
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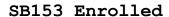
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- 102 <u>c. The Department of Human Resources for the purpose of</u>
 103 investigation or assessment in order to protect children or
 104 vulnerable adults, or to any.
 - d. Any entity or service providing information to banking, insurance, and other financial institutions as required for various requirements as provided in state and federal law. Further, any
- 109 (2) Any criminal charges that are expunsed or are
 110 pending expunsement 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





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.





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