

**STATE
FISCAL IMPACT**

Note: This fiscal note is provided pursuant under Joint Rule 22 (b) (2) and reflects strike-below Amendment L.001.

Drafting Number: LLS 13-0375
Prime Sponsor(s): Rep. Labuda

Date: March 13, 2013
Bill Status: House Judiciary
Fiscal Analyst: Jessika Shipley (303-866-3528)

TITLE: CONCERNING JUVENILE DELINQUENCY RECORDS.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures General Fund	Minimal increase -See State Expenditures section	
FTE Position Change		
Effective Date: August 7, 2013, if the General Assembly adjourns on May 8, 2013, as scheduled, and no referendum petition is filed.		
Appropriation Summary for FY 2013-2014: None required		
Local Government Impact: None.		

Summary of Legislation

This bill, **as amended by strike-below amendment L.001**, clarifies the procedure for petitioning the court for the expungement of juvenile delinquency records. It addresses, among other things, the proper timing for advisements of the right to petition for expungement and who may initiate expungement proceedings.

Current law allows the court to expunge all juvenile records unless the juvenile has been convicted of or adjudicated for a new felony or misdemeanor since the juvenile was released from the court's jurisdiction or parole supervision for the original offense. This bill allows the court to expunge all records in a petitioner's case even if they have a new misdemeanor conviction, provided the new offense does not involve domestic violence, unlawful sexual behavior, or possession of a weapon. Juvenile arrest and criminal records are open to the public only for juveniles who were subject to a probation revocation petition for committing:

- the crime of possession of a handgun by a juvenile;
- class 1 or class 2 felony offenses; or
- crimes involving the use of a weapon.

Certain juvenile offenders who are not currently eligible to petition for expungement, namely any person adjudicated as an aggravated or violent juvenile offender, or any person who commits a crime of violence or an offense involving unlawful sexual behavior, are made eligible by the bill. The new eligibility requirements and timing for an expungement petition are shown in Table 1.

Table 1. New Timing and Eligibility Requirements for Expungement Petitions Under HB 13-1082	
Timing	Requirement
Immediately upon:	a finding of not guilty at an adjudicatory trial;
	dismissal of the petition in its entirety as a result of non-prosecution of the offense; or
	successful completion of a juvenile diversion program, a deferred adjudication, or an informal adjustment.
One year from the date of:	a law enforcement contact that did not result in referral to another agency; or
	termination of the court's jurisdiction over the petitioner after successful completion of probation.
Three years from the date of:	the petitioner's unconditional release from commitment to the Department of Human Services; or
	the petitioner's unconditional release from parole supervision.
Five years from the date of the termination of the court's jurisdiction over the petitioner or the petitioner's unconditional release from probation or parole supervision, whichever is later, if:	the juvenile has been adjudicated a repeat, mandatory, violent, or aggravated juvenile offender and the juvenile has not further violated any criminal statute; or
	the juvenile has been adjudicated for an offense involving unlawful sexual behavior, has successfully completed offense-specific treatment ordered by the court, and has not further violated any criminal statute.

State Revenue

There is no filing fee for petitions to expunge juvenile delinquency records. As such, state revenue is not expected to be affected by the bill.

State Expenditures

The bill is expected to increase the workloads of the Judicial Branch and the Department of Human Services by increasing the number of potential petitions for expungement and the associated advisements and record-keeping. However, any increase is expected to be marginal and can be accommodated within existing resources.

Departments Contacted

District Attorneys
 Law

Human Services
 Public Safety

Judicial