

**STATE  
REVISED FISCAL IMPACT**

(replaces fiscal note dated March 13, 2013)

**Drafting Number:** LLS 13-0375

**Date:** April 22, 2013

**Prime Sponsor(s):** Rep. Labuda  
Sen. Steadman

**Bill Status:** Senate Judiciary

**Fiscal Analyst:** Jessika Shipley (303-866-3528)

**TITLE:** CONCERNING JUVENILE DELINQUENCY RECORDS.

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

**Summary of Legislation**

This reengrossed bill 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.

Under current law, certain juvenile offenders are not eligible to petition for expungement at any time, 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. Juveniles who are adjudicated for a crime of violence are made eligible under the bill, and those who have failed to pay court-ordered restitution are made ineligible. The eligibility requirements and timing for an expungement petition are shown in Table 1. The circumstances in Table 1 refer to the juvenile's original offense for which they are seeking expungement. It does not refer to subsequent offenses.

| <b>Table 1. New Timing and Eligibility Requirements for Expungement Petitions Under HB 13-1082</b>  |   |
|---|---|
| <b>Timing</b>   | <b>Requirement</b>  |
| 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 or mandatory juvenile offender and the juvenile has not further violated any criminal statute; |
| The following juvenile offenders are never eligible to petition for expungement:  | any person who has been adjudicated as an aggravated juvenile offender or a violent juvenile offender;                                    |
|   | any person who was charged as an adult for a criminal offense, unless the person was then sentenced as a juvenile in the same matter;     |
|   | any person who has been adjudicated for an unlawful sexual offense; or  |
|   | any person who has failed to pay court-ordered restitution to the victim of the offense.  |

**State Revenue**

There is no filing fee for petitions to expunge juvenile delinquency records. As such, state revenue is not expected to change under 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