

### Fiscal Estimate - 2019 Session

Original
  Updated
  Corrected
  Supplemental

<b>LRB Number</b> 19-1690/1	<b>Introduction Number</b> SB-039
-----------------------------	-----------------------------------

**Description**  
 expungement of records of certain crimes

**Fiscal Effect**

**State:**

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

**Local:**

<input type="checkbox"/> No Local Government Costs	<input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected	
<input checked="" type="checkbox"/> Indeterminate	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Towns	<input type="checkbox"/> Village <input type="checkbox"/> Cities
1. <input type="checkbox"/> Increase Costs	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Counties	<input type="checkbox"/> Others
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> School Districts	<input type="checkbox"/> WTCS Districts
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue		
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		

<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	20.445 (1) (a)

<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
DWD/ Thomas Goodwyn (608) 267-9058	Danielle Williams (608) 266-2284	2/21/2019

## Fiscal Estimate Narratives

DWD 2/21/2019

LRB Number	19-1690/1	Introduction Number	SB-039	Estimate Type	Original
<b>Description</b> expungement of records of certain crimes					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, a court may order a person's criminal record expunged of a crime for which the maximum term of imprisonment is six years or less (Class H felony and below) if the person committed that crime before the age of 25, the person had not been previously convicted of a felony, and the crime was not a violent felony. Current law specifies that the expungement order must be made only at sentencing and then the record is expunged when the person completes his or her sentence.

This bill removes the condition that the person committed the crime before the age of 25 but retains the other current requirements and makes certain traffic crimes ineligible for expungement. In addition, if the sentencing court did not order the record expunged, the person may file a petition with the sentencing court after he or she completes his or her sentence. Upon receipt, the court must review the petition, may order the record expunged, or may deny the petition. If the court denies the petition, the person may not file another petition for two years, and no person may file more than two petitions per crime. The changes retroactively apply to persons who were convicted of a crime before this bill takes effect.

This bill also allows the sentencing court to order that a person's record not be eligible for expungement. If a record is expunged of a crime, that crime is not considered a conviction for employment purposes and employment discrimination because of a conviction record includes requesting a person to supply information regarding a crime if the record has been expunged of the crime.

This bill would increase the number of complaints received and investigated by Department of Workforce Development Equal Rights Division. The costs associated with these investigations can be absorbed within DWD's budget. The fiscal effect to local government agencies is indeterminate at this time.

### Long-Range Fiscal Implications