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MEMORANDUM

TO: All Senators

FROM: Senator Tim Solobay 

DATE: June 23, 2011

SUBJECT: Co-Sponsorship Memo #44: Misdemeanor Expungement

In the near future, I plan to reintroduce House Bill 264 of the 2009-10 legislative session. This is a bill that I previously introduced during my time in the House of Representatives.

This legislation would amend both Title 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) to provide for further definition of circumstances in which it is permissible to expunge criminal records. Language would be added to section 9122 which would state that individuals who have committed offenses may petition the court for expungement if the crime is a misdemeanor of the third degree and they have not been arrested or prosecuted for seven years following the completion of their sentence or judicial supervision. This addition would not extend to those who have:

- Committed an offense punishable by more than one year in prison or committed four or more offenses which were punishable by more than one year in prison;
- Violated sections or the law pertaining to certain forms of assault, sexual deviancy, cruelty to animals, firearms offenses, alcohol offenses, criminal endangerment or any offense requiring the perpetrator to register under Title 42, section 9795.

If you have any questions or would like to co-sponsor this legislation, please contact my office at 7-1463.