



SPONSOR: Rep. Chukwuocha

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 2
TO
HOUSE BILL NO. 447

AMEND House Bill No. 447 by deleting lines 3 through 23 and inserting in lieu thereof the following:

“§ 4372. Applicability; definitions; effect of expungement.

(b) For the purposes of this subchapter, a case is ~~terminated~~ “terminated in favor of the accused” only if 1 or more of the following occurs:

(7) Where a case is 7 or more years old and contains a charge or charges without a disposition or the disposition is listed as unknown, unobtainable, or pending. This paragraph does not apply if there is an active warrant in the case, if there is documented case activity within the last 12 months, or if there are other charges in the case that were not terminated in favor of the accused.

§ 4373. Mandatory expungement; application through SBI.

(a) *Eligibility.* — (3) For purposes of determining eligibility for expungement under this subsection, any charge that is 7 or more years old and for which there is no disposition indicated or the disposition is listed as unknown, unobtainable, or pending shall be considered dismissed and shall not negatively affect expungement eligibility. This subsection does not apply if there is an active warrant in the case or if there is documented case activity within the last 12 months.

§ 4374. Discretionary expungement; application to court.

(a) *Eligibility.* — Upon petition to the appropriate court designated in subsection (c) of this section, an expungement may be granted if the applicant meets 1 of the following:

(4) Was convicted of 1 or more violations or misdemeanors other than those listed in § 4373(b) of this title in more than one case and at least 5 years have passed since the date of the most recent conviction or the date of release from incarceration, whichever is later, and the person has no other prior or subsequent convictions that would not be eligible for a mandatory expungement under § 4373 of this title standing alone. For eligibility under this paragraph, the entire case in which each conviction appears must be eligible for expungement.

23 (k) For purposes of determining eligibility for expungement under this section, any charge that is 7 or more years
24 old and for which there is no disposition indicated or the disposition is listed as unknown, unobtainable, or pending shall be
25 considered dismissed and shall not negatively affect expungement eligibility in any case. This subsection does not apply if
26 there is an active warrant in the case or if there is documented case activity within the last 12 months.”.

27 FURTHER AMEND House Bill No. 447 by deleting lines 26 through 41 and inserting in lieu thereof the
28 following:

29 § 1016. Definitions applicable to juvenile expungements.

30 For purposes of juvenile expungement, unless the context otherwise requires:

31 (6) “Terminated in favor of the child” means 1 of the following occurs:

32 e. A charge or case is 7 or more years old and there is no disposition indicated or the disposition is listed
33 as unknown, unobtainable, or pending. This paragraph does not apply if there is an active warrant in the case, if
34 there is documented case activity within the last 12 months, or if there are other charges in the case that were not
35 terminated in favor of the child.

36 § 1017. Mandatory expungement.

37 (d) For purposes of determining eligibility for expungement under this section, any charge that is 7 or more years
38 old and for which there is no disposition indicated or the disposition is listed as unknown, unobtainable, or pending shall be
39 considered dismissed and shall not negatively affect expungement eligibility. This subsection does not apply if there is an
40 active warrant in the case or if there is documented case activity within the last 12 months.

41 § 1018. Discretionary expungement.

42 (g) For purposes of determining eligibility for expungement under this section, any charge that is 7 or more years
43 old and for which there is no disposition indicated or the disposition is listed as unknown, unobtainable, or pending shall be
44 considered dismissed and shall not negatively affect expungement eligibility. This subsection does not apply if there is an
45 active warrant in the case or if there is documented case activity within the last 12 months.”.

SYNOPSIS

This amendment is the same as HA1 to HB447 except for the following:

It replaces at line 5 the phrase “A charge or case is 7 or more years old and there is no disposition indicated” with
“Where a case is 7 or more years old and contains a charge or charges without a disposition”

It clarifies at line 10 that this language will be placed in 4373(a)

Adds the phrase “in any case” at line 5.

Replaces the word “accused” with “child” on line 35.

The intent of the amendment remains to clarify that only entire cases are eligible for expungement and to correct technical errors.