

**SB153 INTRODUCED**



1 SB153  
2 AMTGQ7Q-1  
3 By Senator Jones  
4 RFD: Judiciary  
5 First Read: 21-Feb-24



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SYNOPSIS:

Under existing law, a person who has been convicted of a misdemeanor offense, violation, traffic violation, or municipal ordinance violation may file a petition to expunge the records relating to the charge and conviction under certain circumstances.

This bill would provide that a person who has been adjudged a youthful offender and the underlying charge is a misdemeanor offense, violation, traffic violation, or municipal ordinance violation can file a petition to expunge the records relating to the charge and conviction under certain circumstances.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to criminal procedure; to amend Section 15-27-1, Code of Alabama 1975, to provide that a person who has been adjudged a youthful offender and the underlying charge is a misdemeanor offense, violation, traffic violation, or municipal ordinance violation can file a petition to expunge the records relating to the charge and conviction under certain circumstances.



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29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

30 Section 1. Section 15-27-1, Code of Alabama 1975, is  
31 amended to read as follows:

32 "§15-27-1

33 (a) A person who has been charged with a misdemeanor  
34 offense, ~~a~~-violation, ~~a~~-traffic violation, or ~~a~~-municipal  
35 ordinance violation may file a petition in the criminal  
36 division of the circuit court in the county in which the  
37 charges were filed, to expunge records relating to the charge  
38 in any of the following circumstances:

39 (1) When the charge has been dismissed with prejudice  
40 and more than 90 days have passed.

41 (2) When the charge has been no billed by a grand jury  
42 and more than 90 days have passed.

43 (3) When the person has been found not guilty of the  
44 charge and more than 90 days have passed.

45 (4) When the charge has been nolle prossed without  
46 conditions, more than 90 days have passed, and the charge or  
47 charges have not been refiled.

48 (5) When the indictment has been quashed and the  
49 statute of limitations for refileing the charge or charges has  
50 expired or the prosecuting agency confirms that the charge or  
51 charges will not be refiled.

52 (6)a. When the charge was dismissed after successful  
53 completion of a drug court program, mental health court  
54 program, diversion program, veteran's court program, or any  
55 other court-approved deferred prosecution program.

56 b. Expungement may be a court-ordered condition of a



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57 program listed in paragraph a.

58 c. A petition for expungement may be filed one year  
59 from the date of successful completion of a program listed in  
60 paragraph a.

61 (7) When the charge was dismissed without prejudice  
62 more than one year ago and has not been refiled, and the  
63 person has not been convicted of any other felony or  
64 misdemeanor crime, ~~any~~ violation, or ~~any~~ traffic violation,  
65 excluding minor traffic violations, during the previous two  
66 years.

67 (8) When the person proves by a preponderance of the  
68 evidence that the person is a victim of human trafficking,  
69 that the person committed the misdemeanor offense, violation,  
70 traffic violation, or municipal ordinance violation during the  
71 period the person was being trafficked, and that the person  
72 would not have committed the offense or violation but for  
73 being trafficked. Evidence that a person is a victim of human  
74 trafficking may include, but is not limited to, evidence that  
75 the person's trafficker was convicted of trafficking the  
76 person under Section 13A-6-152 or Section 13A-6-153.

77 (b) Subsection (a) notwithstanding, a person who has  
78 been convicted of a misdemeanor offense, ~~a~~ violation, ~~a~~  
79 traffic violation, or ~~a~~ municipal ordinance violation or a  
80 person who has been adjudged a youthful offender and the  
81 underlying charge is a misdemeanor offense, violation, traffic  
82 violation, or municipal ordinance violation may file a  
83 petition in the criminal division of the circuit court in the  
84 county in which the charges were filed to expunge records



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85 relating to the charge and the conviction if all of the  
86 following occur:

87 (1) Except as provided in Section 15-27-4, all  
88 probation or parole requirements have been completed,  
89 including payment of all fines, costs, restitution, and other  
90 court-ordered amounts, and are evidenced by the applicable  
91 court or agency.

92 (2) Three years have passed from the date of  
93 conviction.

94 (3) If the person was convicted of any of the offenses  
95 enumerated in 49 C.F.R. § 383.51, the person was not operating  
96 a commercial motor vehicle at the time of the offense, or was  
97 not holding a commercial driver license or a commercial  
98 ~~learner's~~learner permit at the time of the offense.

99 (4) The conviction is not a violent offense, as  
100 provided in Section 12-25-32.

101 (5) The conviction is not a sex offense, as provided in  
102 Section 15-20A-5.

103 (6) The conviction is not an offense involving moral  
104 turpitude, as provided in Section 17-3-30.1. This subdivision  
105 does not apply if the crime the person was convicted of was  
106 classified as a felony at the time of the conviction, but has  
107 been reclassified as a misdemeanor pursuant to Act 2015-185,  
108 and the person has not been arrested for any offense,  
109 excluding minor traffic violations, 15 years prior to the  
110 filing of the petition for expungement.

111 (7) The conviction is not a serious traffic offense, as  
112 provided in Article 9 of Chapter 5A of Title 32.



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113 (c) (1) Subject to Section 15-27-16, records related to  
114 offenses and convictions may be disclosed to ~~a~~ any of the  
115 following:

116 a. A criminal justice agency, ~~a~~ district attorney, or ~~a~~  
117 prosecuting authority for criminal investigation purposes as  
118 provided in Section 15-27-7, ~~to a~~.

119 b. A utility and its agents and affiliates, ~~to the~~.

120 c. The Department of Human Resources for the purpose of  
121 investigation or assessment in order to protect children or  
122 vulnerable adults, ~~or to any~~.

123 d. Any entity or service providing information to  
124 banking, insurance, and other financial institutions as  
125 required for various requirements as provided in state and  
126 federal law. ~~Further, any~~

127 (2) Any criminal charges that are expunged or are  
128 pending expungement pursuant to ~~Section 15-27-1~~ this section  
129 shall be available for use by any attorney, officer of the  
130 court, or the court itself in any civil matters related to the  
131 criminal charges expunged or seeking to be expunged,  
132 regardless of the outcome of the petitioned expungement. At  
133 the conclusion of the pending civil matter, all references to  
134 the criminal charges expunged or to be expunged shall be  
135 redacted in the event the criminal charges are expunged.

136 (d) The circuit court shall have exclusive jurisdiction  
137 of a petition filed under subsections (a) and (b)."

138 Section 2. This act shall become effective on October  
139 1, 2024.