



## 2013 ASSEMBLY BILL 818

February 27, 2014 - Introduced by Representatives MILROY, GOYKE, BARNES, BERCEAU, BEWLEY, JOHNSON, KESSLER, MASON, OHNSTAD, PASCH, SARGENT, SINICKI, WACHS, WRIGHT, ZAMARRIPA and POPE, cosponsored by Senators PETROWSKI, HARRIS, CARPENTER, HANSEN and LEHMAN. Referred to Committee on Judiciary.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1     **AN ACT** *to renumber and amend* 973.015 (1) (a); *to amend* 301.45 (1p) (a),  
2           301.45 (7) (e) 2., 301.45 (7) (e) 3. and 973.015 (2); and *to create* 973.015 (1) (a)  
3           1. to 3. of the statutes; **relating to:** expunging a court record of an offense  
4           committed before the offender reaches the age of 25.

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### *Analysis by the Legislative Reference Bureau*

Under current law, if a person commits a crime for which the maximum term of imprisonment is six years or less before he or she reaches the age of 25, a court may at the time of sentencing order that the court's record of the crime and conviction be expunged when the person successfully completes his or her sentence if the court finds that expunging the record will benefit the person and will not harm society. This bill allows the court to order at any time such a record expunged after the person completes his or her sentence instead of just at sentencing.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5           **SECTION 1.** 301.45 (1p) (a) of the statutes is amended to read:

**ASSEMBLY BILL 818****SECTION 1**

1           301.45 **(1p)** (a) If a person is covered under sub. (1g) based solely on an order  
2 that was entered under s. 938.34 (15m) (am) or 973.048 (1m) in connection with a  
3 delinquency adjudication or a conviction for a violation of s. 942.08 (2) (b), (c), or (d),  
4 the person is not required to comply with the reporting requirements under this  
5 section if the delinquency adjudication is expunged under s. 938.355 (4m) (b) or if the  
6 conviction is expunged under s. 973.015 ~~(2)~~.

7           **SECTION 2.** 301.45 (7) (e) 2. of the statutes is amended to read:

8           301.45 **(7)** (e) 2. The department issues a certificate of discharge under s.  
9 973.015 ~~(2)~~ (3).

10          **SECTION 3.** 301.45 (7) (e) 3. of the statutes is amended to read:

11          301.45 **(7)** (e) 3. The department receives a certificate of discharge issued under  
12 s. 973.015 ~~(2)~~ (3) by the detaining authority.

13          **SECTION 4.** 973.015 (1) (a) of the statutes is renumbered 973.015 (1) (a) (intro.)  
14 and amended to read:

15          973.015 **(1)** (a) (intro.) Subject to par. (b) and except as provided in ~~par.~~ pars.  
16 ~~(c), when~~ and (d), if a person is convicted of an offense for which the maximum period  
17 of imprisonment is 6 years or less and the person committed the offense when he or  
18 she was under the age of 25 at the time of the commission of an offense for which the  
19 person has been found guilty in a court for violation of a law for which the maximum  
20 period of imprisonment is 6 years or less, the sentencing court may order at the time  
21 of sentencing that the record be expunged upon successful completion of the sentence  
22 if the court determines the person will benefit and society will not be harmed by this  
23 disposition., if it determines the person will benefit and society will not be harmed,  
24 do any of the following:

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1           (d) This subsection does not apply to information maintained by the  
2 department of transportation regarding a conviction that is required to be included  
3 in a record kept under s. 343.23 (2) (a).

4           **SECTION 5.** 973.015 (1) (a) 1. to 3. of the statutes are created to read:

5           973.015 (1) (a) 1. At the time of sentencing, order that the record be expunged  
6 of the offense at the time the court receives the certificate of discharge forwarded  
7 under sub. (3).

8           2. Upon petition, if the court determines that the person has not successfully  
9 completed the sentence, order that the record be expunged of the offense at the time  
10 the court receives the certificate of discharge forwarded under sub. (3).

11           3. Upon petition, if the court determines that the person has successfully  
12 completed the sentence, order that the record be immediately expunged of the  
13 offense.

14           **SECTION 6.** 973.015 (2) of the statutes is amended to read:

15           973.015 (2) ~~A For purposes of this section, a person has successfully completed~~  
16 ~~the sentence if the person has not been convicted of a subsequent offense and, if the~~  
17 ~~person was placed on probation, the he or she has satisfied the conditions of~~  
18 ~~probation and the probation has not been revoked and the probationer has satisfied~~  
19 ~~the conditions of probation. Upon successful completion of.~~

20           **(3)** At the conclusion of a person's sentence or term of probation, if the person  
21 has successfully completed the sentence, the detaining or probationary authority  
22 shall issue a certificate of discharge which shall be forwarded to the court of record  
23 ~~and which shall have the effect of expunging the record.~~ If the person has been

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**SECTION 6**

1 imprisoned, the detaining authority shall also forward a copy of the certificate of  
2 discharge to the department.

3 (END)