

2023 LEGISLATIVE SESSION
CHANGES TO EXPUNGEMENT

SB37/HB97: REDEEM Act

Alters Criminal Procedure § 10-110 to allow for expungement of the enumerated convictions with the following waiting periods –

- Misdemeanors: 5 years after completion of sentence (previously 10 years)
- 2nd degree assault, battery: 7 years after completion of sentence (previously 15 years)
- Felonies not otherwise excepted (currently CDS possession w/ intent to distribute and 3rd degree burglary): 7 years after completion of sentence (previously 15 years)
- Certain felonies (1st and 2nd degree burglary, felony theft): 10 years after completion of sentence (previously 15 years)
- Any conviction classified as a domestically related crime remains at a 15-year waiting period
- Subsequent conviction rule still applies

The bill also adds malicious destruction of property to the list of eligible convictions. This is a misdemeanor, so it will follow the 5-year waiting period.

The bill also creates Criminal Procedure § 10-105.4, which states that any unpaid court costs are not a bar to expungement, and the court shall waive any outstanding costs when expunging a case.

If signed by the governor, these laws will take effect on October 1st, 2023.

HB1175

This bill alters Criminal Procedure § 10-110 to add the following charges to the list of eligible convictions –

- Hunting without a license or other proper permission
- Failure to display a hunting license to a DNR officer or other law enforcement upon demand
- Hunting migratory birds without proper permission
- Violations of requirements related to training hunting retrieval dogs with artificially reared game birds
- Failure to wear proper fluorescent visibility gear while hunting

- Failure to obtain a nonresident permit for fur trapping
- Hunting wild water fowl from a stationary blind or blind site without a hunting license
- Training and hunting with hawks, falcons, or owls without a falconry permit

If signed by the governor, the law will take effect on October 1st, 2023.

SB505

Alters Criminal Procedure § 10-105 to change rules related to expungement of driving under the influence.

A person who receives a probation before judgment for driving under the influence would be eligible to file for expungement after 10 years from the end of the probationary period.

The bill also alters Criminal Procedure § 10-301 and 10-303 to include a probation before judgment for driving under the influence in the list of cases eligible for shielding. The waiting period to shield this offense would be 5 years from the date probation ended. A subsequent conviction/subsequent offense rule would apply to shielding these cases. (Offense would mean a PBJ for DUI.) Similarly, the unit rule would apply for shielding these cases, and a PBJ for DUI would be a unit rule violation.

The bill passed third reading, but the legislature's website does not reflect it being sent to the governor's desk. The status of the bill is currently unclear. It would take effect on October 1st, 2023.