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H.B. 385
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 385's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Reps. Richardson and Williams

Local Impact Statement Procedure Required: No

Shaina Morris, Budget Analyst

Highlights

- The bill's expansion of criminal records expungement provisions is likely to have a minimal annual fiscal effect on the workload and operating costs of courts, clerks of courts, prosecutors, and probation authorities involved in the court's determination regarding an application, as well as public offices or agencies in possession of records subject to an expungement order.
- Some of these costs may be offset by revenue collected from the \$50 application fee, which is divided between the state GRF (\$30) and the county or municipality (\$20).

Detailed Analysis

The bill permits human trafficking victims to apply to the sentencing court for the expungement of a record of conviction for a misdemeanor, a fourth degree felony, or a fifth degree felony. The bill also requires the court to send notice of the order of expungement to each public office or agency that the court has reason to believe may have an official record pertaining to the case.

According to data collected and reported in the Attorney General's Human Trafficking Commission's annual reports, the number of potential victims of human trafficking identified by law enforcement in recent years are as follows: 167 (CY 2022), 138 (CY 2021), 148 (CY 2020). This data suggests that, relative to the existing caseload size of the state and local criminal and juvenile justice systems, the number of new expungement applications will likely be minimal annually. While the bill does expand the number of offenses that could be expunged, a limiting factor is that the applicant must provide clear and convincing evidence that the offense that is the subject of the application was a result of the individual having been a human trafficking victim.

Under current law, expungement applicants, unless indigent, are required to pay a \$50 fee. The \$50 application fee is divided between the state GRF (\$30) and the county or municipality (\$20). Given the relatively small number of new records eligible for expungement under the bill, any additional costs for local sentencing courts and agencies required to expunge such records will be minimal at most annually, with the application fee likely to offset at least a portion of those costs.