

Requesting criminal record order of nondisclosure if conviction set aside

SB 550 by West (S. Thompson)

Digest

SB 550 would have added to the list of individuals eligible to ask a court for an order of nondisclosure to prevent their criminal records from being disclosed to the public. The bill would have authorized requests from those who had their convictions set aside, as allowed by current law, after a judge reduced or terminated their probation terms after they had served a portion of their terms and if they were not convicted of an offense that was ineligible for deferred adjudication. Those requesting orders of nondisclosure also would have had to meet other current requirements that prohibit requests from those convicted of certain offenses. Requests for orders of nondisclosure could have been made two years after the date the conviction was set aside if the offense was a misdemeanor and five years after the date the conviction was set aside if the offense was a felony.

Governor's reason for veto

"I vetoed similar legislation in 2015 and must do so again here. Convicted criminals should have a pathway to reintegrating into society after they complete their sentences, and the law rightfully allows them to clear their records in certain circumstances. For example, this session I have signed into law Senate Bill 20, which expands the ability of human trafficking victims to seek orders of nondisclosure. Senate Bill 550, however, would allow individuals who were convicted of violent felonies to hide their dangerous conduct from society and from potential employers. I look forward to working with the next Legislature on a more tailored approach."

Response

Sen. Royce West, the bill's author, said "Actually, because the governor had previously vetoed a similar bill, our office did work with his office to ensure that SB 550 was acceptable. I believe that the bill strikes a balance, as

it exempts several criminal offenses from eligibility for the order of nondisclosure, applies only when the verdict related to the offense has been set aside by a judge, and permits prosecutors to object to the granting of the order. Nevertheless, I am pleased that the governor is willing to continue working on this issue."

Rep. Senfronia Thompson, the House sponsor, said, "I am always disappointed to hear a bill I sponsored was vetoed. SB 550 would have made persons eligible to have their records sealed if their convictions were dismissed through a set-aside after completing probation. These persons would have been given a second chance at rebuilding their lives without the fear of a criminal record holding them back. The bill excluded alcohol, sexual assault, family violence and murder offenses from being sealed and also required a waiting period before a person could petition the court for an order of nondisclosure. I will continue to work with Sen. West and the governor to address any concerns in giving these individuals the ability to gain employment and housing without the stigma of their past mistakes."

Notes

SB 550 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.