

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 58<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB 3316</b>
<b>Version:</b>	<b>PCS</b>
<b>Request Number:</b>	<b>10331</b>
<b>Author:</b>	<b>Rep. Miller</b>
<b>Date:</b>	<b>2/10/2022</b>
<b>Impact:</b>	<b>Under review</b>

**Research Analysis**

The proposed committee substitute for HB 3316 provides for the automatic sealing of records under certain circumstances. The measure provides that beginning 2 years after the effective date of the act, subject to the availability of funds, individuals with clean slate eligible cases are eligible to have their criminal records sealed automatically. The OSBI is to identify monthly eligible cases and submit those cases to the prosecuting agency and the arresting agency. The prosecuting agency, the arresting agency and the OSBI have 45 days to object to the automatic expungement. An objection can be made if the agency believes the case does not meet eligibility as a clean slate case, the individual has not paid court-ordered restitution, or if the agency has a reasonable belief that the individual is continuing to engage in criminal activity. If an objection is made, the record will not be expunged and the OSBI is to report to the Legislature a list of all cases where a record was not expunged. If no objection is made within the 45 days, the OSBI is to seal the record and send notice to the court clerk and law enforcement agencies to seal the record.

Prepared By: Brad Wolgamott

**Fiscal Analysis**

The fiscal impact of the first proposed committee substitute to the measure is under review for analysis.

Prepared By: Clayton Mayfield

**Other Considerations**

None.