

BILL SUMMARY
2nd Session of the 58th Legislature

Bill No.:	HB3316
Version:	PCS
Request Number:	10539
Author:	Miller
Date:	2/16/2022
Impact:	Please see previous summary of this measure

Research Analysis

The proposed 2nd committee substitute for HB 3316 provides for the automatic sealing of records under certain circumstances. The measure provides that beginning 3 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 review the list and provide all agencies that have criminal history records a signed expungement order for all cases approved. Upon receipt of a signed expungement order, each agency is to seal the relevant records.

Prepared By: Brad Wolgamott

Fiscal Analysis

The measure is currently under review and impact information will be completed.

Prepared By: Mark Tygret

Other Considerations

None.