

BILL SUMMARY
2nd Session of the 58th Legislature

Bill No.:	HB 3316
Version:	Introduced
Request Number:	8556
Author:	Rep. Miller
Date:	2/9/2022
Impact:	Under review

Research Analysis

HB 3316 provides for the automatic sealing of records under certain circumstances. The measure provides that, 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 35 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 believe that the individual is continuing to engage in criminal activity. If an objection is made, the record will not be expunged. If no objection is made within the 35 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 measure, as introduced, provides for the automatic sealing of certain criminal records under certain circumstances. The provisions of the measure take effect two years after November 1st, 2022 and are subject to available funding.

The measure is under review for fiscal impact analysis.

Prepared By: Clayton Mayfield

Other Considerations

None.