

To: Representative Maxine Grad, Chair House Judiciary Committee

From: Brian J. Grearson, Chief Superior Judge

Date: April 6, 2021

Re: Proposed amendments S. 7 section 7

The Judiciary submits the following proposed amendment to Section 7 of S. 7. The proposed amendments appear in red and relate to the expungement of records in the Judicial Bureau by a more efficient process:

- I. In place of the existing Section 7 (a) we propose the following:
 - (a) **Expungement. Two years following the satisfaction of judgement resulting from an adjudication or conviction the JB shall make an entry of "expunged" and notify DMV of such action consistent with the data transfer policy between the JB and DMV. The data transfer to DMV shall include name, date of birth, ticket number, offense, license number, and PID.**

...

- II. With respect to section 7 (b):
 - (1) Amend to read:

The expungement shall be effective as of the date of entry and the individual whose record is expunged shall be treated in all respects as if he/she had never been convicted or adjudicated of the violation. This includes the expungement of any points **relating to the offense and** accumulated pursuant to chapter 25 of this title.

- (2) (Combines existing (2) and (3)

Upon an entry of expunged, the case will be accessible only by the Clerk of the Court for the Judicial Bureau or their designee. Convictions or adjudications that have been expunged shall not appear in the results of any Judicial Bureau database search by name, date of birth, driver's license number or any other data identifying the defendant. Any documents or other records related to an expunged conviction or adjudication that are maintained outside the Judicial Bureau's case management system shall be destroyed.

- (3) Renumber current (4)

On a separate but expungement related matter Act 167 passed in the last session calls for expungement of misdemeanor marijuana convictions by January 2022. The committee will recall from my testimony last spring that I did not believe we had the staffing necessary to comply with that date. In addition, Act

95 included among other provisions, a suspension of the processing of requests for expungement until 120 days after the expiration A.O.49. A.O.49 remains in effect at least until the end of May and it is not known whether it will be extended beyond that date. Although many courts are processing expungement requests as time and staffing allow (many are working remotely) we cannot comply with the existing time frame for expungement. We would respectfully request an extension for expungement of the cases covered by Act be extended until January 2023.

Thank you for your consideration. I would be glad to discuss any questions or concerns that you may have.

Brian J. Grearson

Chief Superior Judge