



Department of Public Safety and Correctional Services

Office of Government & Legislative Affairs

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BILL: HOUSE BILL 658

POSITION: LETTER OF INFORMATION

EXPLANATION: The bill alters the waiting period of an expungement, and establishes an automated expungement process for certain charges considered Clean Slate eligible without requiring the filing of a petition for expungement by an individual. The bill further requires the Department to provide a digital service to allow individuals to check on the status of whether their charges were expunged.

COMMENTS:

- The Department of Public Safety and Correctional Services (DPSCS) houses the Criminal Justice Information System (CJIS) which is the repository for law enforcement to access criminal history record information, fingerprints, etc., and provides background checks to statutorily authorized entities.
- Pursuant to HB 837, Cannabis Reform, that passed in 2022, the Department has been working to implement automatic expungement for all cases in which possession of cannabis is the only charge, and is on target for meeting the July, 2024 implementation deadline.
- HB 658 requires all clean slate eligible charges, including those under the unit rule, to be expunged by automated expungement. To accomplish this, it will be necessary for CJIS to recognize when a clean slate eligible charge is part of a unit. Automated expungement can only occur if all the charges within the unit are clean slate eligible. Without this functionality, CJIS will only be able to accept clean slate eligible charges when it is the only charge.
- Currently, CJIS does not have the technological means to process automated expungement on a scheduled basis, to identify clean slate eligible charges and perform an electronic sweep of the charges, notify the courts and prosecuting agencies, and populate the results into a digital service for individuals to perform status updates and reporting.

- The Department's Computerized Criminal History (CCH) system is not advanced enough to customize upgrades for the magnitude of the legislation, and requires modernization. The Department is currently in the procurement phase for the CCH modernization project.
- To fully implement the requirements under the bill, the Department will need to develop and deploy an IT solution to accommodate the ability to perform partial expungements, which would be far more efficient than just having the ability to recognize a unit, and to perform all of the functions required under the bill as mentioned above.
- The Department's Information, Technology and Communications Division estimates it will take a total of five years to complete the technological upgrades to the CCH and to create a new Clean Slate system to allow CJIS the ability of partial expungement functionality. There will be a substantial cost to implement all of the provisions of HB 658.
- **CONCLUSION:** The Department of Public Safety and Correctional Services respectfully asks this Committee to consider this information as it deliberates on House Bill 658.