

HB 2048 STAFF MEASURE SUMMARY

Carrier: Rep. Wallan

House Committee On Judiciary

Action Date: 04/08/21

Action: Do Pass.

Vote: 10-0-0-0

Yeas: 10 - Bynum, Dexter, Helm, Kropf, Lewis, Morgan, Noble, Power, Wallan, Wilde

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Amie Fender-Sosa, Counsel

Meeting Dates: 1/28, 4/8

WHAT THE MEASURE DOES:

Requires court to send to Department of Corrections (DOC) a certified copy of order setting aside conviction instead of limiting the delivery of set aside orders to when the subject person has been in the custody of the DOC.

ISSUES DISCUSSED:

- DOC Correctional Information System includes records for community-corrections supervised offenses
- DOC's responsibility to process set asides for DOC sentences
- DOC also responsible for processing set asides for probation and offenses for which local public body/government collects fees
- Even though DOC may have a responsibility to process a set aside, it may not receive the paperwork necessary to do so
- Convictions not properly set aside through the DOC system have negative impacts on housing, employment, and volunteering for those individuals

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Presently, when a person applies for and receives an order setting aside a conviction, arrest, citation or charge, the court is required to send a certified copy of the order to the Department of Corrections (DOC) only if the person has been in the custody of DOC, but DOC is responsible for processing set asides for some individuals who were not in DOC custody.

House Bill 2048 requires the court to provide DOC with a copy of all orders setting aside convictions.