

STATEMENT OF PURPOSE

RS26075

This legislation corrects oversights in Idaho Code Section 67-3004 which permits the expungement of fingerprint and criminal history records in certain cases. The statute currently limits these expungements to those who are not charged by indictment or information within a year of arrest or service of a criminal summons, and to those who are acquitted of charges brought. Dismissals by prosecutors for lack of evidence, and dismissals by courts because the state's case lacks the probable cause necessary to proceed to trial, do not justify expungement under the current statute. Furthermore, expungement is limited to the fingerprint and criminal history records in official law enforcement databases (i.e., the Idaho State Police Bureau of Criminal Identification and the FBI's National Crime Information Center). Such records in the Courts' publicly available online database cannot be expunged. This legislation amends the statute to correct these oversights.

FISCAL NOTE

To the extent that this legislation results in additional requests for expungement there will be state and local level costs associated with court time and prosecutor time which cannot be quantified. Such costs are expected to be minimal and within existing appropriations.

Contact:

Senator Grant Burgoyne
(208) 332-1000

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).