

## STATEMENT OF PURPOSE

### RS22321

In 1915, the Idaho Legislature passed its first version of I.C. § 19-2604 permitting a court to place a defendant on probation and withhold judgment. In 1919 the law was amended to permit a successful probationer to move the court for a dismissal which "shall have the effect of restoring the defendant to his civil rights." The Legislature has always deemed it a goal of this State to encourage its citizens to be productive members of society and their future development not be hindered by a past mistake and the product of a record of a conviction or criminal charge.

Until 2007, I.C. § 19-2604 was known as Idaho's Expungement Statute and with the Idaho Supreme Court's decision in *State v. Parkinson*, 144 Idaho 825, the remedies under the statute were restricted. Since that time, other cases have been issued including *State v. Turpen*, 147 Idaho 869 (2009), *State v. Gurney*, 152 Idaho 502 (2012), and *State v. Dieter*, 291 P.3d413 (filed December 11, 2012, Idaho Supreme Court). These decisions limit the original purpose of the statute as stated by the Court in *Ex parte Medley*, 73 Idaho 474 (1953): "[t]o withhold judgement after a plea of guilty protects the defendant at that time against the stigma of a conviction which may be forever avoided should the defendant conform to its terms and conditions. This creates, and rightfully so, a hope in the heart of the accused that he may ultimately be released under an order of probation without the stigma of a judgement of conviction. This is an incentive for complete rehabilitation and reform, one of the salutary objectives of the Act."

This amendment seeks to restore the goals of the statute and the means for an accused to expunge and seal a criminal charge or conviction (both a guilty plea and sentencing order) and the record therefrom by having it expunged with the law enforcement agency, the court, the Idaho Repository and the records expunged at the Bureau of Criminal Identification, Idaho State Police.

### FISCAL NOTE

This bill would have no fiscal impact on the General Fund.

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