

1 **CORRECTED**

2 **281-022020**

3 **RESOLUTION: Support 2019 Assembly Bill 33 and 2019 Senate Bill 39 Relating to the**
4 **Expungement of Criminal and Civil Conviction and Non-Conviction**
5 **Records**

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8 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

9 **WHEREAS**, Wisconsin law allows a conviction to be removed from an offender's circuit court case record
10 through a process known as "expungement"; and

11 **WHEREAS**, under current law related to adult criminal court records, a person under the age of 25 at the
12 time he or she commits an offense eligible for expungement may have his or her court record expunged upon
13 successful completion of the sentence if the court determines the individual will benefit from and not be harmed by
14 the expungement; and

15 **WHEREAS**, if a court orders expungement, the clerk of circuit courts must do all of the following pursuant to
16 Wisconsin Supreme Court Rule 72.06:

- 17 1) Remove any paper index and nonfinancial court record and place them in the case file;
- 18 2) Electronically remove an automated nonfinancial record except the case number;
- 19 3) Seal the entire case file; and
- 20 4) Destroy expunged court records in accordance with the court's retention schedule; and

21 **WHEREAS**, 2019 Assembly Bill 33 ("AB 33") and 2019 Senate Bill 39 ("SB 39") eliminate the condition that
22 an individual must have been under the age of 25 years old at the time he or she committed an offense to be eligible
23 for expungement; and

24 **WHEREAS**, AB 33 and SB 39 also provide that a record of a conviction for violation of Chapters 341 and
25 348, Wis Stats, offenses primarily consisting of traffic violations, is not eligible for expungement; and

26 **WHEREAS**, AB 33 and SB 39 also create a new process for an individual to seek expungement of his or her
27 criminal court record in the county of conviction if at least one year has passed since the individual successfully
28 completed his or her sentence and there are no criminal charges pending against the individual; and

29 **WHEREAS**, AB 33 and SB 39 provide that an individual has successfully completed his or her sentence if
30 the individual has completed any period of incarceration, parole, or extended supervision to which he or she was
31 sentenced; the individual has paid all fines, costs, fees, surcharges, and restitution assessed and has completed any
32 court-ordered community service; the individual has not been convicted of a subsequent crime; and probation, if
33 imposed, has not been revoked; and

34 **WHEREAS**, AB 33 and SB 39 provide a process for notification to be made to the victim of a petition for
35 expungement; and

36 **WHEREAS**, AB 33 and SB 39 has a delayed effective date of approximately one year and first applies to any
37 conviction for which sentencing has occurred, but for which the record has not been ordered expunged on the
38 effective date; and

39 **WHEREAS**, Winnebago County Board of Supervisors recognizes the passage of AB 33 and SB 39 is likely
40 to have a positive economic impact in Winnebago County by allowing individuals to move beyond their criminal
41 records and assist in meeting area workforce demands.

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43 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
44 supports 2019 Assembly Bill 33 and Senate Bill 39 relating to the expungement of criminal and civil conviction and
45 non-conviction records, and urges the Wisconsin Legislature to pass, and Governor Tony Evers to sign, these bills.

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47 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that it hereby directs the
48 Winnebago County Clerk to forward a copy of this Resolution to the Office of Governor Tony Evers, the Wisconsin
49 Counties Association, all state senators and assembly members representing Winnebago County constituents, and
50 all Wisconsin County Clerks

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52 Respectfully submitted by:
53 **LEGISLATIVE COMMITTEE**

54 Committee Vote: **12-0**

55 ~~Respectfully submitted by:~~
56 ~~**PERSONNEL AND FINANCE COMMITTEE**~~

57 ~~Committee Vote: _____~~

58 Vote Required for Passage: **Three-Fourths of Those Present**

59
60 Approved by the Winnebago County Executive this ____ day of _____, 2020.

61
62 _____
63 Mark L Harris
64 Winnebago County Executive