

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2320**

Toma _____ Floor Amendment

1. Removes language in the bill relating to liability and renting or leasing a property to a person with a sealed criminal record.
2. Modifies who may file a petition to seal criminal records to people who were:
 - a) Convicted of a criminal offense and completed all terms and conditions imposed by the court;
 - b) Charged with a criminal offense and the charge was later dismissed or resulted in a not guilty verdict at trial; or
 - c) Arrested for a criminal offense and no charges were filed.
3. Makes various changes relating to the implementation and process of sealing criminal records.

Amendment explanation prepared by Lauren Cook

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2/22/2021

TOMA FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2320

(Reference to CRIMINAL JUSTICE REFORM Committee amendment)

1 Page 1, strike lines 2 through 24

2 Page 2, strike lines 1 and 2

3 Renumber to conform

4 Strike lines 7 through 10, insert:

5 "A. A PERSON MAY FILE A PETITION TO SEAL ALL CASE RECORDS RELATED TO
6 A CRIMINAL OFFENSE IF THE PERSON WAS:

7 1. CONVICTED OF A CRIMINAL OFFENSE AND HAS COMPLETED ALL OF THE
8 TERMS AND CONDITIONS OF THE SENTENCE THAT WAS IMPOSED BY THE COURT,
9 INCLUDING THE PAYMENT OF ALL MONETARY OBLIGATIONS AND RESTITUTION TO ALL
10 VICTIMS.

11 2. CHARGED WITH A CRIMINAL OFFENSE AND THE CHARGE WAS SUBSEQUENTLY
12 DISMISSED OR RESULTED IN A NOT GUILTY VERDICT AT A TRIAL.

13 3. ARRESTED FOR A CRIMINAL OFFENSE AND NO CHARGES WERE FILED."

14 Between lines 15 and 16, insert:

15 "5. USED TO ENHANCE THE SENTENCE PURSUANT TO SECTIONS 28-1381 AND
16 28-1382.

17 6. PLEADED AND PROVED IN ANY SUBSEQUENT PROSECUTION OF THE PERSON BY
18 THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

19 7. USED AS A CONVICTION IF THE CONVICTION WOULD BE ADMISSIBLE IF THE
20 CONVICTION WAS NOT SEALED."

21 Line 17, strike "EITHER" insert "ONE"

22 Line 19, strike the first "OR" insert a comma; strike "OR A" insert a comma

23 Line 20, after "CITATION" insert "OR COMPLAINT"

1 Page 2, line 21, after "VACATED" insert ", EXCEPT THAT IF THE COMPLAINT WAS FILED
2 IN A JUSTICE COURT AND A SUBSEQUENT INFORMATION WAS FILED, THE PETITION
3 MUST BE FILED IN THE SUPERIOR COURT"

4 Between lines 23 and 24, insert:

5 "4. THE SUPERIOR COURT IN THE COUNTY WHERE A PERSON WAS ARRESTED IF
6 THE PERSON DID NOT HAVE AN INITIAL APPEARANCE AND NO CHARGES WERE FILED."

7 Page 3, line 1, after the fourth "THE" insert "CLERK OF THE"

8 Line 13, strike "INCLUDE" insert "PROVIDE"; strike "IN THE SENTENCING MINUTE
9 ENTRY"

10 Page 4, line 12, after "2" insert "OR 3"

11 Page 5, line 8, after "2" insert "OR 3"

12 Line 12, strike "ARREST, CONVICTION AND SENTENCE"

13 Page 6, strike lines 16 and 17

14 Line 27, strike "AND" insert "OR"; after "PRACTICES" insert ", OR BOTH"

15 Line 32, strike "FOR SENTENCING A PERSON"

16 Page 8, line 4, strike "EITHER" insert "ANY"

17 Line 10, after "AGENCIES" insert ", COURTS, PROBATION DEPARTMENTS"

18 Between lines 17 and 18, insert:

19 "3. THE DEPARTMENT OF PUBLIC SAFETY OR THE BOARD OF FINGERPRINTING
20 FROM CONSIDERING A CONVICTION THAT IS SEALED PURSUANT TO THIS SECTION WHEN
21 EVALUATING AN APPLICATION FOR A FINGERPRINT CLEARANCE CARD PURSUANT TO
22 SECTION 41-1758.03 OR 41-1758.07."

23 Page 9, line 1, strike "ERRONEOUSLY"

24 Line 3, after "13-911" insert "IF THE SOLE BASIS FOR THE APPEAL IS THE
25 DEFENDANT'S ELIGIBILITY TO PETITION THE COURT"

26 Amend title to conform

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