

Supports HB 218 and Senate Bill 33

Felony Expungement in Kentucky

In 2016, Kentucky expanded voting rights by allowing persons with certain Class D felony convictions to have those convictions vacated and expunged upon approval of a judge.

2016's House Bill 40 authorized expungement for certain low level felony offenses including drug possession and theft offenses. Expungement was expanded to additional class D felonies with enactment of SB 57 in 2019.

Between July 15, 2016, (the effective date of HB 40) and January 11, 2022, 4,041 persons have had their right to register and vote restored because a felony expungement was granted by a judge.

Fees are a barrier for many Kentuckians seeking to have their felony expunged. While the Kentucky Supreme Court recently authorized judges to waive fees for persons without means, the reduction of fees will allow more persons with modest means to seek expungements. Currently, a Class D felony that can be enhanced cannot be expunged.

Pending bills

House Bill 218 (T. Huff, J. Nemes, K. Fleming, J. Miller)

1. Eliminates the \$250 fee when the conviction is expunged;
2. Reduces filing fee from \$100 to \$50;
3. Allows expungements upon completion of sentence, eliminating a 5 year waiting period;
4. Provides for filing for an expungement when a charge is dismissed without prejudice, eliminating waiting periods.

This bill will allow persons with limited means increased access to the expungement process.

Senate Bill 33 (J. Higdon, G. Neal, B. Storm)

Allows a Class D felony that can be enhanced to be eligible for expungement if 5 years have passed since the date of the offense or the time for enhancement indicated in the statute has expired.

This bill is consistent with the research that once 5 years have passed the likelihood of a person re-offending is minimal.

(OVER)



Kentucky Felony Expungements Restore the Right to Register and Vote

A felony conviction permanently bars a Kentuckian from voting.

While the governor's 2019 Executive Order restored the right to vote for some persons with a felony conviction, many still cannot vote.

Expungement as a method of restoration of voting rights is an important vehicle for the individuals who have their felony expunged.

**The League of Women Voters of KY
supports HB 218 and SB 33
that make expungements
accessible to more Kentuckians.**