

SENATE AMENDMENTS TO SENATE BILL 690

By COMMITTEE ON JUDICIARY

April 28

1 On page 1 of the printed bill, line 2, after “Standing” insert a period and delete the rest of the
2 line and line 3.

3 Delete lines 5 through 29 and delete pages 2 through 5 and insert:

4 **“SECTION 1. (1) As used in this section, unless the context requires otherwise:**

5 **“(a) ‘Petition’ means a petition for a Certificate of Good Standing.**

6 **“(b) ‘Petitioner’ means a person who files a petition.**

7 **“(c) ‘Supervisory authority’ means the state or local corrections agency supervising**
8 **persons on probation, post-prison supervision or parole.**

9 **“(2)(a) A person who has been convicted of a felony or a Class A misdemeanor may pe-**
10 **tion the court for a Certificate of Good Standing as provided in this section.**

11 **“(b) If the person is under the supervision of a supervisory authority, prior to filing the**
12 **petition the person shall request from the supervisory authority a written statement certi-**
13 **fying that the person has successfully completed probation, post-prison supervision or parole**
14 **and is eligible for a Certificate of Good Standing under this section. The request for certi-**
15 **fication shall be in writing on a form provided by the Department of Corrections.**

16 **“(3)(a) A person shall file a petition using a form provided by the State Court Adminis-**
17 **trator, in the circuit court of the county in which the petitioner resides. In the application,**
18 **the person shall certify that the person satisfies the requirements described in subsection**
19 **(6) of this section and is eligible for the Certificate of Good Standing.**

20 **“(b) If the person is under the supervision of a supervisory authority, the person shall**
21 **attach to the petition the certification from the supervisory authority described in sub-**
22 **section (2)(b) of this section.**

23 **“(c) In addition to the petition, the person may file with the court any other documents**
24 **or written material supporting the issuance of a Certificate of Good Standing.**

25 **“(d) No filing fees or court fees may be required when filing a petition under this section.**

26 **“(4)(a) At the time of filing, the petitioner shall serve a copy of the petition on the dis-**
27 **trict attorney of the county in which the person resides.**

28 **“(b) Within 30 days of receiving a copy of the petition, the district attorney may:**

29 **“(A) File a written statement in the circuit court in support of the petition; or**

30 **“(B) File a written objection to the issuance of a Certificate of Good Standing only on the**
31 **grounds that the petitioner does not satisfy the requirements described in subsection (6) of**
32 **this section, and may support the objection by submitting documents and other written ma-**
33 **terials.**

34 **“(5) When determining whether to issue a Certificate of Good Standing to the petitioner,**
35 **the court shall review only the documents or other material submitted by the petitioner in**

1 support of the petition and any documents or other material submitted by the district at-
2 torney.

3 “(6)(a) The court may issue a Certificate of Good Standing to the petitioner if the court
4 determines, by a preponderance of the evidence, that:

5 “(A) The petitioner meets the criminal history eligibility requirements described in sub-
6 section (2) of this section;

7 “(B) The petitioner has complied with all requirements of the petitioner’s sentence, in-
8 cluding conditions of probation and any required drug or alcohol treatment, batterers’
9 intervention, sex offender treatment, anger management or educational programs;

10 “(C) The petitioner has satisfied all court-ordered financial obligations or is current on
11 a payment plan ordered by the court or a third party as authorized by the Judicial Depart-
12 ment;

13 “(D) At least one year has elapsed since the petitioner has completed all requirements
14 of the petitioner’s sentence;

15 “(E) The petitioner is not in violation of the conditions of any criminal sentence;

16 “(F) There are no criminal charges pending against the petitioner; and

17 “(G) The petitioner is engaged in, or seeking to engage in, a lawful occupation or activity,
18 including but not limited to employment, training, education or rehabilitative programs, or
19 the person has a lawful source of support.

20 “(b) The court may make the determination described in paragraph (a) of this subsection
21 without holding a hearing if the district attorney does not file an objection to the issuance
22 of the Certificate of Good Standing.

23 “(7)(a) If the court issues the Certificate of Good Standing as described in this section,
24 the clerk of the court shall immediately provide notice of the issuance of the certificate to
25 the Department of State Police and other agencies as directed by the court.

26 “(b) Upon receiving notice of the issuance of the Certificate of Good Standing, the De-
27 partment of State Police shall:

28 “(A) Enter the existence of the certificate into the Law Enforcement Data System
29 maintained by the Department of State Police and the databases of the National Crime In-
30 formation Center of the United States Department of Justice; and

31 “(B) Ensure that the results of any criminal records check performed by the Department
32 of State Police concerning the person who is the subject of a Certificate of Good Standing
33 include the existence of a valid certificate.

34 “(8)(a) If the court denies issuance of a Certificate of Good Standing, the court shall state
35 the reasons for the denial on the record and shall include the reasons in a written order
36 denying the petition.

37 “(b) A petitioner may file a new application and petition no less than six months after
38 the denial of a previous petition and shall, in the new petition, demonstrate that the
39 petitioner has remedied or addressed the reasons for the denial of the previous petition and
40 has met any conditions set by the court.

41 “(9)(a) A court that issued a Certificate of Good Standing shall revoke the certificate if
42 the person who is the subject of the certificate is subsequently convicted of a felony or a
43 Class A or Class B misdemeanor or is found to have made any material misrepresentation
44 in the petition.

45 “(b) A district attorney in a proceeding in which a person with a Certificate of Good

1 Standing is convicted of a felony or a Class A or Class B misdemeanor shall notify the court
2 where the certificate was issued of the conviction.

3 “(c) The court may hold a hearing on the revocation, and the district attorney who re-
4 ceived a copy of the original petition under subsection (4) of this section may appear and be
5 heard at the revocation hearing.

6 “(d) The clerk of the court shall immediately provide notice of the revocation of the
7 certificate, in the form of a court order, to the Department of State Police and other agen-
8 cies as directed by the court.

9 “(e) Upon receiving notice of the revocation of the Certificate of Good Standing, the De-
10 partment of State Police shall:

11 “(A) Enter the revocation of the certificate into the Law Enforcement Data System
12 maintained by the Department of State Police and the databases of the National Crime In-
13 formation Center of the United States Department of Justice; and

14 “(B) Ensure that the results of any criminal records check performed by the Department
15 of State Police concerning the person who is the subject of the revoked Certificate of Good
16 Standing accurately reflect the status of the certificate.

17 “(f) Any person who knowingly presents, or attempts to present, a revoked or otherwise
18 invalid Certificate of Good Standing as a valid certificate commits a violation.

19 “(10) The clerk of the circuit court of each county shall make available the petition forms
20 described in subsection (3)(a) of this section without charge.

21 “(11) A district attorney may not condition a plea offer on future eligibility or ineligibility
22 for a Certificate of Good Standing.

23 “SECTION 2. In a claim for negligent hiring of an employee, there shall be a rebuttable
24 presumption that the employer was not negligent if the employer had notice at the time of
25 the hiring that the employee was the subject of a valid Certificate of Good Standing as de-
26 scribed in section 1 of this 2017 Act.”.

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