

Senate Judiciary Committee

Dear Senator Prozanski and Members of the Committee,

RE: Recommended Amendments to Senate Bill 420

Senate Bill 420 has the laudable goal of seeking to expunge non-violent marijuana misdemeanors and violations from people's records. It directs the government to go through criminal histories and find cases eligible under the bill, and then to expunge them through the courts.

We applaud the effort. However, the legislature could help more people, faster, with less cost and red tape by simply eliminating fees for marijuana related expungements.

To comply with the law as it stands will require a herculean effort on the part of the Department of Justice and District Attorneys to identify and screen eligible cases. People will wait years for their cases to be expunged. Many people have marijuana convictions that are eligible for expungement but the crimes don't fit the formulaic criteria of the bill and will be left out. Convictions and arrests hidden in municipal courts and justice courts, and records that are hard to find will also be left out.

Our office does background research for expungements every day. It can be daunting to dig up old records that were never computerized. The bureaucracy will either have to be very well funded or the bill will not accomplish what it intends. Simply eliminating fees and making the process more accessible (by providing easily accessible forms) is much more efficient and will reach more people.

As things stand, just to file a single expungement costs \$345 in court and police fees.

Multiple convictions require multiple fees. The cost to file is often prohibitive for people.

The new law will likely require a wait of several years to get the job done. For instance, House Bill 2549 was a 2013 bill that put in place a new classification system for sex offenders. It has taken years to implement and is more than a year behind schedule. The rules and bureaucracy had to be developed and put in place. Similarly, there is no system or bureaucracy now set up to find cases eligible for expungement and to then expunge them. It will have to be created, rules devised, and learning pains gone through. Better is to use the expungement infrastructure already in place, make it more accessible, and eliminate the cost.

People who have criminal records and need expungements know who they are. Give them the tools they need to expunge their own records and streamline the process. It will go a lot faster, reach a lot more people, and be a lot less expensive than the bill as it currently stands.



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