

RESOLUTION NO. 003, SERIES 2018

A RESOLUTION URGING THE KENTUCKY LEGISLATURE TO LOWER FILING FEES FOR AN APPLICATION TO HAVE CLASS D FELONY RECORDS EXPUNGED FROM FIVE HUNDRED DOLLARS AND TO ALLOW FOR A SECOND OR SUBSEQUENT FELONY TO BE EXPUNGED.

SPONSORED BY: COUNCIL MEMBERS GREEN, ACKERSON, BRYANT HAMILTON, JAMES, SHANKLIN, BUTLER, HOLLANDER, WOOLRIDGE, AUBREY WELCH, SEXTON SMITH, COAN, MULVIHILL, BLACKWELL, REED, ENGEL AND FOWLER

WHEREAS, Kentucky has one of the highest filing fees for expungement in the nation;

WHEREAS, individuals that have a Class D felony on their record struggle to obtain decent jobs and get reacclimated to their communities once they have served their sentence;

WHEREAS, the five hundred dollar (\$500) filing fee presents a major barrier for low income ex-offenders who are attempting to get good-paying jobs and become productive members of their communities;

WHEREAS, individuals attempting to have their record expunged must also pay forty dollars (\$40) to obtain an expungement certification;

WHEREAS, individuals with financial means can more easily pay the required fees for expungement while low income ex-offenders face this major barrier to the significant benefit of obtaining an expungement, resulting in disparate treatment based on no other factor beyond the ability to pay;

WHEREAS, expungement cases in the state of Ohio only require filing fees between fifty and one hundred twenty-five dollars (\$50-\$125) and the neighboring state of Indiana requires a filing fee of one hundred dollars (\$100);

WHEREAS, multiple felonies can be expunged at once in the state of Indiana;

WHEREAS, when HB 40 was introduced to the Kentucky House of Representatives, it would have required a much lower filing fee of only one hundred dollars (\$100);

WHEREAS, HB 40 passed through the House of Representatives with an amendment allowing for a second or subsequent felony to be expunged;

WHEREAS, there is bipartisan support for allowing ex-offenders the opportunity to expunge their records, including support from United States Senator Rand Paul and Governor Matt Bevin who, during the debate about allowing for expungement of Class D felonies, said that “there is no time when an individual is more vulnerable, no period when there is greater likelihood of recidivism than during that immediate window after which a person has served their (prison) term.”;

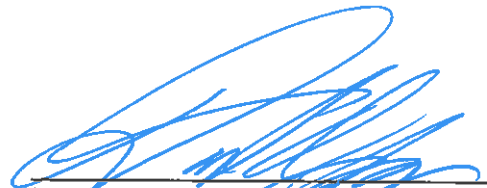
BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: Louisville Metro Council encourages the Kentucky Legislature to lower the filing fees for an application to have Class D felony records expunged from five hundred dollars to the actual cost for administration by the Administrative Office of the Courts.

SECTION II: Louisville Metro Council encourages the Kentucky Legislature to allow individuals to expunge a second or subsequent Class D felony.

SECTION III: This Resolution shall take effect upon its passage and approval.


H. Stephen Ott
Metro Council Clerk PRO - TEM


David James
President of the Council

Greg Fischer
Mayor

Approved Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 



R-197-17



LOUISVILLE METRO COUNCIL
CLERK'S OFFICE

H. STEPHEN OTT
CLERK OF THE COUNCIL

MEMO

To: David James
Metro Council President

From: H. Stephen Ott *H. Ott*
Clerk of the Metro Council

Date: 2/20/2018

Re: Resolution 003, Series 2018 Unsigned by Mayor Fischer

Comments: President James,

The Mayor's Office staff member delivered the enclosed copy of Resolution 003, Series 2018 (R-197-18) and informed me that the Mayor decided not to sign the legislation.

Pursuant to Metro Council Rule 7.18(a) and KRS 83.500(4):

If the mayor does not sign an ordinance or resolution presented to him, and does not return it on or before the day on which the board of aldermen holds its regular meeting next after the meeting at which the ordinance or resolution was passed, and three (3) days have intervened between the presentation to the mayor and the meeting, the ordinance or resolution shall be in force as if he had signed it.

Please let me know if you have any questions or need additional information.
