



# Louisville Metro Government

## Legislation Text

File #: R-197-17, Version: 1

### RESOLUTION NO. \_\_\_\_\_, 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.

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H. Stephen Ott Metro Council Clerk

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David James President of the Council

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Greg Fischer Mayor

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Approved Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_

R-197-17