



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.

H. Stephen Ott Metro Council Clerk

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: _____

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