



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2023 Biennium

<b>Bill #</b>	SB0361	<b>Title:</b>	Generally revise laws to establish certificate of rehabilitation
<b>Primary Sponsor:</b>	Hoven, Brian	<b>Status:</b>	As Introduced

- Significant Local Gov Impact     
 Needs to be included in HB 2     
 Technical Concerns  
 Included in the Executive Budget     
 Significant Long-Term Impacts     
 Dedicated Revenue Form Attached

### FISCAL SUMMARY

	<u>FY 2022</u> <u>Difference</u>	<u>FY 2023</u> <u>Difference</u>	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>
<b>Expenditures:</b>				
General Fund	Undeterminable	Undeterminable	Undeterminable	Undeterminable
<b>Revenue:</b>				
General Fund	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Net Impact-General Fund Balance:</b>	<u>Undeterminable</u>	<u>Undeterminable</u>	<u>Undeterminable</u>	<u>Undeterminable</u>

**Description of fiscal impact:** This bill would create a “certificate of rehabilitation” that would be issued by a court upon petition by the person, the person’s attorney, or a county attorney on behalf of a person with a prior criminal conviction who could show the necessary qualifications. The Judicial Branch is unable to estimate the impact of this bill.

### FISCAL ANALYSIS

#### Assumptions:

#### **Judicial Branch**

- SB 361 allows an individual with a criminal record to file a petition requesting that a certificate of rehabilitation be issued by a court to the individual. This certificate will bar against the use of the individual’s criminal record against the individual on applications to postsecondary education institutions or vocational training, professional and occupational licensure, or employment.
- The bill specifies conditions that must be considered by the court before issuing a certificate of rehabilitation. The court will need to set a hearing to take evidence and make a decision. New district court hearings will be required because of this legislation.

3. This legislation will increase the number of district court hearings, but the Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of such legislation may over time require additional judicial resources as generally court dockets are full throughout the state.

**Department of Corrections (DOC)**

4. SB 361 does not require the DOC to issue a certificate of completion. However, the DOC and recognized entities do issue certificates of completion for various rehabilitative treatment programs and courses.
5. SB 361 would affect the DOC by involving the department in providing the records establishing some of the qualifications for certificates of rehabilitation. Whether the petitioner is the person, their attorney, or a county attorney, some of the records necessary to support the petition would have to be obtained from the DOC.
6. It is likely that Probation and Parole Officers or other DOC employees would be subpoenaed or called to testify in hearings on the petitions.

**NO SPONSOR SIGNATURE**

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*Sponsor's Initials*

2/26  
*Date*

KA  
*Budget Director's Initials*

2/26/21  
*Date*