

(c) (6) A PETITION FOR EXPUNGEMENT BASED ON THE CONVICTION OF A CRIME UNDER SUBSECTION (A)(9) OF THIS SECTION MAY NOT BE FILED WITHIN 3 YEARS AFTER THE CONVICTION OR SATISFACTORY COMPLETION OF THE SENTENCE, INCLUDING PROBATION, THAT WAS IMPOSED FOR THE CONVICTION, WHICHEVER IS LATER.

(e) (4) The person is not entitled to expungement if:

(i) the petition is based on the entry of probation before judgment, a nolle prosequi, [or] a stet, including a nolle prosequi with the requirement of drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse treatment, A CONVICTION FOR A CRIME SPECIFIED IN SUBSECTION (A)(9) OF THIS SECTION, or the grant of a pardon by the Governor; and

(ii) the person:

1. since the full and unconditional pardon [or], entry, OR CONVICTION has been convicted of a crime other than a minor traffic violation; or

2. is a defendant in a pending criminal proceeding.

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(b) (1) If a person is not entitled to expungement of one charge OR CONVICTION in a unit, the person is not entitled to expungement of any other charge OR CONVICTION in the unit.

(2) The disposition of a charge for a minor traffic violation that arises from the same incident, transaction, or set of facts as a charge in the unit does not affect any right to expungement of a charge OR CONVICTION in the unit.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 22, 2008.

CHAPTER 616

(House Bill 685)

AN ACT concerning