

1 arrest of a minor or an adult who is subsequently determined
2 by the agency, at its discretion, or by the final order of a
3 court of competent jurisdiction, to have been arrested
4 contrary to law or by mistake.

5 (3) An adult or, in the case of a minor child, the
6 parent or legal guardian of the minor child, may apply to the
7 department in the manner prescribed by rule for the
8 administrative expunction of any nonjudicial record of an
9 arrest alleged to have been made contrary to law or by
10 mistake, provided that the application is supported by the
11 endorsement of the head of the arresting agency or the state
12 attorney of the judicial circuit in which the arrest occurred.

13 (4) An application for administrative expunction shall
14 include an affidavit executed by the chief of the law
15 enforcement agency, sheriff, or department head of the state
16 law enforcement agency in which the affiant verifies that he
17 or she has reviewed the record of the arrest and that the
18 arrest was contrary to law or was a mistake. The affidavit
19 shall include the date and time of the arrest, the name of the
20 arresting officer, the name of the person arrested, and the
21 crime or crimes charged.

22 (5) No application, endorsement, or affidavit made
23 under this section shall be admissible as evidence in any
24 judicial or administrative proceeding or otherwise be
25 construed in any way as an admission of liability in
26 connection with an arrest.

27 Section 2. This act shall take effect upon becoming a
28 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1844

The committee substitute adds a requirement that affidavits include the date and time of the arrest, the name of the arresting officer, the name of the person arrested, and the crime or crimes charged.