

2015 Regular Session

SENATE BILL NO. 27

BY SENATOR BROOME

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DOMESTIC VIOLENCE. Prohibits expungement of a conviction for domestic abuse battery. (gov sig)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 894(B)(1), relative to setting

3 aside of a conviction; to prohibit setting aside a conviction for domestic abuse

4 battery; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 894(B)(1) is hereby amended and

7 reenacted to read as follows:

8 Art. 894. Suspension and deferral of sentence; probation in misdemeanor cases

9 * * *

10 B.(1) When the imposition of sentence has been deferred by the court, as

11 authorized by this Article, and the court finds at the conclusion of the period of

12 deferral that the defendant has not been convicted of any other offense during the

13 period of the deferred sentence, and that no criminal charge is pending against him,

14 the court may set the conviction aside and dismiss the prosecution, unless the

15 conviction is domestic abuse battery. However, prior to setting aside any

16 conviction and dismissing the prosecution for any charge for operating a vehicle

17 while intoxicated, the court shall require proof in the form of a certified letter from

1 the Department of Public Safety and Corrections, office of motor vehicles, that the
 2 requirements of Paragraph (A)(5) of this Article have been complied with.

3 * * *

4 Section 2. This Act shall become effective upon signature by the governor or, if not
 5 signed by the governor, upon expiration of the time for bills to become law without signature
 6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 8 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

SB 27 Engrossed

2015 Regular Session

Broome

Present law provides that when the imposition of sentence has been deferred by the court and the court finds at the conclusion of the deferral that the defendant has not been convicted of any other offense during the period of the deferred sentence, and that no criminal charge is pending against him, the court may set the conviction aside and dismiss the prosecution.

Proposed law prohibits the application of present law to a conviction for domestic abuse battery.

Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.Cr.P. Art. 894(B)(1))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Prohibits the application of present law relative to setting aside of a conviction under certain circumstances to a conviction for domestic abuse battery.
2. Deletes provisions of proposed law that would prohibit sentence on conviction of domestic abuse battery from being suspended.