

RÉSUMÉ DIGEST**ACT 8 (HB 194)****2016 Regular Session****James**

Existing law provides that an applicant for expungement does not have to pay any fees for an expungement if the applicant has no felony convictions and no pending felony charges under a bill of information or indictment and at least one of the following applies:

- (1) The applicant was acquitted, after trial, of all charges derived from the arrest, including any lesser and included offense.
- (2) The district attorney consents, and the case against the applicant was dismissed or the district attorney declined to prosecute the case prior to the time limitations provided for in existing law, and the applicant did not participate in a pretrial diversion program.
- (3) The applicant was arrested and was never prosecuted within the time limitations provided for in existing law and did not participate in a pretrial diversion program.
- (4) The applicant has been determined to be factually innocent and entitled to compensation for a wrongful conviction.

New law adds an additional circumstance for the exemption of expungement fees in certain cases when the applicant was determined by the district attorney to be a victim of unauthorized use of an "access card", identity theft, access device fraud, or a violation of any other crime which involves the unlawful use of the identity or personal information of the applicant.

Effective August 1, 2016.

(Adds C.Cr.P. Art. 983(F)(5))