

CONFERENCE COMMITTEE REPORT

HB 196

2018 Regular Session

Marino

May 17, 2018

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 196 by Representative Marino, recommend the following concerning the Engrossed bill:

1. That the set of Senate Committee Amendments by the Senate Committee on Judiciary C (#3066) be rejected.
2. That the set of Amendments by the Legislative Bureau (#3251) be rejected.
3. That the set of Senate Floor Amendments by Senator Claitor (#3259) be rejected.

Respectfully submitted,

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Representative Joseph Marino

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Senator Dan Claitor

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Representative Sherman Mack

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Senator Troy Carter

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Representative Lowell C. Hazel

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Senator Rick Ward, III

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

**CONFERENCE COMMITTEE REPORT DIGEST**

**HB 196**

**2018 Regular Session**

**Marino**

**Keyword and oneliner of the instrument as it left the House**

CRIMINAL/RECORDS: Removes the limitation on the number of expungements a person may receive for persons seeking an expungement under certain circumstances

**Report rejects Senate amendments which would have:**

1. Added provisions relative to any outstanding balance on unpaid victim restitution at the end of a defendant's term of imprisonment.
2. Added provisions relative to the procedure by which a court may award a defendant "earned compliance credits", may terminate the defendant's probation early as "satisfactorily completed", or may extend the period of probation for up to two years.
3. Removed provisions relative to the extension of a defendant's probation for the purposes of unpaid victim restitution and added that probation shall neither be revoked or extended based solely upon a defendant's inability to pay fines, fees, or restitution.
4. Provided that the requirement that a defendant agree to imposition of administrative sanctions as part of release on probation or parole pursuant to present law does not apply to the rescinding of earned compliance credits as an administrative sanction.
5. Removed provisions which prohibit the use of incarceration for certain violations of a defendant's probation.
6. Added that upon a fourth or subsequent technical violation, the court may order that the defendant's probation be revoked.
7. Amended the definition of "technical violation" to provide that the term shall not include the defendant's absconding from the jurisdiction of the court, regardless of whether the defendant does so by leaving the state without prior approval.
8. Made technical corrections to amendments.

**Digest of the bill as proposed by the Conference Committee**

Present law authorizes a person to file a motion to expunge his record of arrest and conviction of certain felony offenses if either of the following apply:

- (1) The conviction was set aside and the prosecution was dismissed pursuant to present law (C.Cr.P. Art. 893).
- (2) More than ten years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole based on the felony conviction, and the person has not been convicted of any other criminal offense during the ten-year period, and has no criminal charge pending against him.

Present law provides that the expungement of a record of arrest and conviction of a felony offense shall occur only once with respect to any person during a 15-year period.

Proposed law amends present law to provide that this limitation on the number of expungements a person may receive during a 15-year period does not apply to persons who seek the expungement of a record of arrest and conviction for a conviction that was set aside and the prosecution dismissed pursuant to present law.

(Amends C.Cr.P. Art. 978(D))