
DIGEST

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HB 707 Reengrossed

2022 Regular Session

Duplessis

Abstract: Provides for automated expungement of certain qualifying criminal records.

Present law provides for the expungement of records of arrest and misdemeanor and felony convictions in certain circumstances.

Proposed law provides for automated expungement of qualifying records. Requires the La. Bureau of Criminal Identification and Information (bureau) to identify within its criminal repository database all records with final dispositions for individuals eligible for an expungement pursuant to the provisions of present law (C.Cr.P. Arts. 976, 977, and 978).

Proposed law provides that on Aug. 1, 2024, and every 30 days thereafter, the bureau shall send the records with final dispositions for individuals eligible for an expungement pursuant to present law to the La. Supreme Court Case Management Information System.

Proposed law requires the La. Supreme Court Case Management Information System, within 30 days of receipt of records from the bureau, to send notice by U.S. mail or electronically of all records expunged by automation to the clerks of the district courts. Requires the clerks to verify and identify such records as expunged by automation. Further provides that if a clerk is unable to verify and identify any record identified for automatic expungement pursuant to proposed law, the clerk must notify the La. Supreme Court Case Management Information System within 30 days of receipt of the original notice pursuant to proposed law. Further requires the Supreme Court to notify the La. Bureau of Criminal Identification and Information that the record has not been expunged by automation.

Proposed law requires the clerks of the district courts to send notice by U.S. mail or electronically of all records expunged by automation to the district attorney of the parish of the person's conviction, the sheriff of the parish of the person's conviction, and the arresting agency. Requires the sheriff and the arresting agency to identify such records as expunged by automation. Requires the district attorney to acknowledge that such records have been expunged by automation. Further requires the clerks of the district courts to send notice by U.S. mail or electronically of all records expunged by automation to the La. Supreme Court Case Management Information System, which shall mark the records as expunged and notify the bureau by U.S. mail or electronically of all such expunged records. Requires the bureau to mark such records as expunged by automation.

Proposed law authorizes the office of state police to adopt and promulgate rules and regulations to carry out the provisions of proposed law for criminal records in district courts which date back to

Jan. 1, 2000. Further urges and requests the supreme court to adopt rules to carry out the provisions of proposed law.

Effective if an Act or Acts that originated in the 2022 Regular Session of the Legislature make specific appropriations to the office of state police and the La. Supreme Court for the implementation of proposed law. If such appropriations are contained in a single Act, proposed law becomes effective when the Act that made the appropriations becomes effective. If such appropriations are made in different Acts, proposed law becomes effective when the Act having the later effective date becomes effective.

(Adds C.Cr.P. Art. 985.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Require the La. Supreme Court Case Management Information System to send notice by U.S. mail or electronically of all records identified pursuant to proposed law to be expunged to the clerks of the district courts.
2. Remove the requirement for the bureau to identify records as expunged by automation and require the clerks of the district courts to verify and identify such records.
3. Require the clerks of the district courts to also send notice by U.S. mail or electronically of all records expunged by automation to the La. Supreme Court Case Management and Information System and the bureau.
4. Require the La. Supreme Court Case Management and Information System and the bureau to identify records as expunged by automation.

The Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill:

1. Add provision requiring a clerk to take certain action when unable to verify and identify a record identified for automatic expungement.
2. Remove requirement that the district attorney identify records as expunged by automation.
3. Add requirement that the district attorney acknowledge records as expunged by automation.
4. Make technical changes.

5. Add provision urging and requesting the La. Supreme Court to adopt rules to carry out the provisions of proposed law.
6. Add provision making proposed law effective if and when an Act or Acts originating in the 2022 Regular Session of the legislature making specific appropriations to the office of state police and the La. Supreme Court for the implementation of proposed law becomes effective.