

SENATE BILL NO. 403

BY SENATOR MORRELL

1 AN ACT

2 To enact R.S. 44:9(E)(1)(c) and (d), relative to expungement of criminal records; to
3 authorize the expungement of criminal records of persons who have successfully
4 completed the Department of Public Safety and Corrections intensive incarceration
5 program; to provide relative to other conditions necessary for the expungement of
6 criminal records; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 44:9(E) (1)(c) and (d) are hereby enacted to read as follows:

9 §9. Records of violations of municipal ordinances and of state statutes classified as
10 a misdemeanor or felony

11 * * *

12 E.(1)(a) * * *

13 **(c) A court may order the expungement of the record of a felony**
14 **conviction of any person if all of the following conditions are met:**

15 **(i) The person was convicted of a nonviolent first offense felony for**
16 **distribution, dispensing, or possession with intent to produce, manufacture,**
17 **distribute, or dispense amphetamine or methamphetamine or cocaine or**
18 **oxycodone or methadone, in violation of R.S. 40:967(A) and sentenced under**
19 **R.S. 40:967(B)(1) or (4)(b) when the amount of amphetamine or**
20 **methamphetamine or cocaine or oxycodone or methadone involved was twenty-**
21 **eight grams or less.**

22 **(ii) The person was not sentenced as a habitual offender under the**
23 **provisions of R.S. 15:529.1.**

24 **(iii) The person was committed to the Department of Public Safety and**
25 **Corrections and successfully completed the intensive incarceration program as**
26 **provided for in R.S. 15:574.4.4.**

27 **(iv) The person has not been convicted of any other offense since**

1 completion of his sentence.

2 (v) The person has no criminal charge pending against him.

3 (vi) A minimum of nineteen years has passed since completion of his
4 sentence.

5 (vii) The person has not received a prior expungement of a felony
6 pursuant to Code of Criminal Procedure Article 893.

7 (d) Notwithstanding the provisions of Code of Criminal Procedure
8 Article 893 or any other provision of law to the contrary regarding the set aside
9 of a conviction or the dismissal of a prosecution, an expungement of a felony
10 conviction shall occur only once with respect to any person during a lifetime.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____