

2015 Regular Session

HOUSE BILL NO. 837 (Substitute for House Bill No. 100 by Representative Price)

BY REPRESENTATIVE PRICE

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 977(A)(introductory paragraph),  
3 978(A)(introductory paragraph) and (B)(1), and 989 and to enact Code of Criminal  
4 Procedure Articles 977(A)(3) and 978(A)(3) and (E), relative to expungement; to  
5 provide for eligibility for an expungement in cases of factual innocence; to provide  
6 for the expungement of certain crimes of violence after a cleansing period; to provide  
7 for expungement forms regarding factual innocence; and to provide for related  
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Criminal Procedure Articles 977(A)(introductory paragraph),  
11 978(A)(introductory paragraph), (B)(1) and 989 are hereby amended and reenacted and Code  
12 of Criminal Procedure Articles 977(A)(3) and 978(A)(3) and (E) are hereby enacted to read  
13 as follows:

14 Art. 977. Motion to expunge a record of arrest and conviction of a misdemeanor  
15 offense

16 A. A person may file a motion to expunge his record of arrest and conviction  
17 of a misdemeanor offense if ~~either~~ any of the following apply:

18 \* \* \*

19 (3) The person was determined to be factually innocent and entitled to  
20 compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8.

21 The person may seek to have the arrest and conviction which formed the basis for





1 RACE: \_\_\_\_\_

2 DRIVER LIC.# \_\_\_\_\_

3 ARRESTING AGENCY: \_\_\_\_\_

4 SID# (if available): \_\_\_\_\_

5 ARREST NUMBER: \_\_\_\_\_

6 Mover is entitled to expunge the record of his arrest/conviction pursuant  
7 to Louisiana Code of Criminal Procedure Article 971 et seq. and states the  
8 following in support:

9 **II. ARREST INFORMATION**

10 1. Mover was arrested on \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YYYY)

11 2. \_\_\_\_ YES \_\_\_\_ NO A supplemental sheet with arrests and/or  
12 convictions is attached after page 2 of this  
13 Motion.

14 3. Mover was:  
15 \_\_\_\_ YES \_\_\_\_ NO Arrested, but it did not result in conviction  
16 \_\_\_\_ YES \_\_\_\_ NO Convicted of and seeks to expunge a  
17 misdemeanor

18 \_\_\_\_ YES \_\_\_\_ NO Convicted of and seeks to expunge a felony  
19 \_\_\_\_ YES \_\_\_\_ NO Convicted but determined to be factually  
20 innocent and entitled to compensation for  
21 a wrongful conviction pursuant to the  
22 provisions of R.S. 15:572.8.

23 4. Mover was booked and/or charged with the following offenses: (List each  
24 offense booked and charged separately. Attach a supplemental sheet, if  
25 necessary.)

26 \_\_\_\_ Yes \_\_\_\_ No **ARRESTS THAT DID NOT RESULT IN**  
27 **CONVICTION**

28 **ITEM NO. 1** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

29 Name of the offense \_\_\_\_\_

30 ( ) Time expired for prosecution \_\_\_\_\_

1 (MM/DD/YYYY)

2 ( ) Not prosecuted for any offense

3 arising out of this charge.

4 ( ) Pre-trial Diversion Program.

5 ( ) DWI Pre-Trial Diversion Program

6 and 5 years have elapsed since the

7 date of arrest.

8 ( ) Charge dismissed

9 ( ) Found not guilty/judgment of acquittal

10 **ITEM NO. 2** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

11 Name of the offense \_\_\_\_\_

12 ( ) Time expired for prosecution \_\_\_\_\_

13 (MM/DD/YYYY)

14 ( ) Not prosecuted for any

15 offense arising out of this charge.

16 ( ) Pre-trial Diversion Program.

17 ( ) Charge dismissed

18 ( ) Found not guilty/judgment of acquittal

19 **ITEM NO. 3** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

20 Name of the offense \_\_\_\_\_

21 ( ) Time expired for prosecution \_\_\_\_\_

22 (MM/DD/YYYY)

23 ( ) Not prosecuted for any offense

24 arising out of this charge.

25 ( ) Pre-trial Diversion Program.

26 ( ) Charge dismissed

27 ( ) Found not guilty/judgment of acquittal







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12

**If not represented by counsel:**

\_\_\_\_\_  
Signature of Mover/Defendant

\_\_\_\_\_  
Mover/Defendant Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_