

---

## 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)]

---

HB 194 Reengrossed

2016 Regular Session

James

**Abstract:** Exempts the payment of fees in certain cases of unauthorized use of an access card, identity theft, or access device fraud for the expungement of arrest records.

Present law provides that an applicant for expungement does not have to pay any fees for the 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 present 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 present 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.

Proposed law retains present law and 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.

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

### Summary of Amendments Adopted by House

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

1. Adds qualifying language regarding the exemption of expungement fees in certain cases.

The House Floor Amendments to the engrossed bill:

1. Requires that the district attorney make the determination of whether the person is a victim of identity theft or one of the other crimes included in proposed law.