2018 Third Extraordinary Session

HOUSE CONCURRENT RESOLUTION NO. 4

BY REPRESENTATIVES MARINO, DUPLESSIS, HAZEL, MUSCARELLO, PYLANT, AND STEFANSKI

CRIMINAL/RECORDS: Requests the La. State Law Institute to study and make recommendations relative to expungement fees

1	A CONCURRENT RESOLUTION
2	To urge and request the Louisiana State Law Institute to study and make recommendations
3	relative to fees for the expungement of arrest and conviction records.
4	WHEREAS, Louisiana law provides for the expungement of certain arrest and
5	conviction records under limited circumstances; and
6	WHEREAS, the provisions of law regarding expungement have been revised over
7	the years with the goal of simplifying, consolidating, and clarifying expungement
8	procedures; and
9	WHEREAS, Louisiana law provides for the mandatory expungement of certain
10	records when the defendant was arrested and not convicted, the district attorney declines to
11	prosecute, or the time limitations for the institution of prosecution have expired, without cost
12	to the defendant; and
13	WHEREAS, expungement of other records of arrest and conviction not falling into
14	any of the above categories requires the defendant to pay certain nonrefundable fees to the
15	Louisiana Bureau of Criminal Identification and Information, the sheriff of the parish in
16	which the arrest was made, the district attorney of the parish in which the conviction was
17	obtained, and the clerk of court; and
18	WHEREAS, while the maximum amounts of these fees are set by law, the actual
19	amounts charged by the named entities and the methods of collection can vary from parish

1 to parish, which creates a level of uncertainty in present law for those persons seeking to 2 have certain records of arrest or conviction expunged; and 3 WHEREAS, a study of the necessity and fairness of the amounts of the fees that may 4 be charged for an expungement should be undertaken, and a uniform and streamlined 5 procedure for the payment and collection of these fees should be developed. 6 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby 7 urge and request the Louisiana State Law Institute to study and make recommendations for 8 the revision of laws regarding expungement fees. 9 BE IT FURTHER RESOLVED that the Louisiana State Law Institute work in conjunction with the Louisiana District Attorneys Association, the Louisiana Public 10 11 Defender Board, the Louisiana Sheriffs' Association, the Louisiana State Police, the 12 Louisiana Commission on Law Enforcement and the Administration of Criminal Justice, the 13 Louisiana Clerks of Court Association, and any other agencies or associations deemed 14 appropriate by the committee regarding this study. 15 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall report 16 its findings and recommendations to the Louisiana Legislature no later than February 1, 17 2019. 18 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the 19 Louisiana State Law Institute.

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)]

HCR 4 Engrossed	2018 Third Extraordinary Session	Marino
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Requests the La. State Law Institute to study La. laws relative to expungement fees, and to make recommendations relative to the amount of expungement fees and the procedure by which those fees must be paid and collected. Requires the La. State Law Institute to report its findings no later than Feb. 1, 2019.