2019 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 106

BY REPRESENTATIVE JAMES

CRIMINAL/PROCEDURE: Requests the La. District Attorneys Association to study and evaluate the process and procedure for automatic criminal record-clearing for certain individuals

1	A CONCURRENT RESOLUTION	
2	To urge and request the Louisiana District Attorneys Association, in conjunction with the	
3	Louisiana Supreme Court and other courts in Louisiana, the Louisiana Clerks of	
4	Court Association, the Louisiana Public Defender Board, and the Louisiana Sheriffs'	
5	Association, to study and evaluate the process and procedure for automatic criminal	
6	record-clearing for individuals who remain free from convictions for a certain period	
7	of time.	
8	WHEREAS, in 2018, Pennsylvania was the first state to pass "clean slate" legislation,	
9	which allows for an individual to petition the courts for their records to be sealed if the	
10	individual has been free from conviction for ten years for an offense that resulted in a year	
11	or more in prison, and has paid all court-ordered financial debts; and	
12	WHEREAS, the Pennsylvania legislation does not allow for the sealing of records	
13	for serious crimes, such as certain firearm charges, sex offenses, murder, and kidnapping;	
14	and	
15	WHEREAS, Louisiana law provides for the mandatory expungement of certain	
16	records when the defendant was arrested and not convicted, the district attorney declines to	
17	prosecute, or the time limitations for the institution of prosecution have expired, without cost	
18	to the defendant; and	
19	WHEREAS, there are many barriers associated with a criminal record, such as	
20	employment, cognitive development, and attaining a degree; and	

1	WHEREAS, according to research by the University of Michigan, people are eleven
2	percent more likely to be employed and earn higher wages one year after a criminal record
3	is cleared; and
4	WHEREAS, a vast majority of people cannot afford a lawyer, pay court fees, or
5	navigate the process to petition the court; and
6	WHEREAS, automatic record-clearing removes the burden of filing a court petition,
7	is likely to reduce recidivism, and will benefit the national economy, which loses
8	approximately eighty-seven billion dollars in gross domestic product every year by not
9	hiring people with criminal records.
10	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
11	urge and request the Louisiana District Attorneys Association, in conjunction with the
12	Louisiana Supreme Court and other courts in Louisiana, the Louisiana Clerks of Court
13	Association, the Louisiana Public Defender Board, and the Louisiana Sheriffs' Association,
14	to study and evaluate the process and procedure for automatic criminal record-clearing for
15	individuals who remain free from convictions for a certain period of time.
16	BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted
17	to the executive director of the Louisiana District Attorneys Association.

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	106 Original	
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James

Requests the La. District Attorneys Assoc., in conjunction with the La. Supreme Court and other courts, the La. Clerks of Court Assoc., the La. Public Defender Bd., and the La. Sheriffs' Assoc., to study and evaluate the process and procedure for automatic criminal record-clearing for individuals who remain free from convictions for a certain period of time.