

2022 Regular Session

SENATE RESOLUTION NO. 133

BY SENATOR CARTER

CRIMINAL RECORDS. Creates study commission to study expungement costs.

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A RESOLUTION

To create and provide for the Study Commission on Expungement Fees to study costs associated with an expungement.

WHEREAS, the Legislature of Louisiana is committed to responsibly funding the judicial system and has previously committed to a "clean slate" initiative; and

WHEREAS, a conviction may prohibit an otherwise qualified citizen from obtaining certain educational or employment opportunities to better themselves and their situation; and

WHEREAS, the cost of obtaining an expungement under current law is a minimum of five hundred fifty dollars, and may cost thousands of dollars.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby establish and provide for the Study Commission on Expungement Fees to study possible solutions to the high costs of obtaining an expungement, and to make recommendations, together with specific proposals for legislation.

BE IT FURTHER RESOLVED that this study should include, but not be limited to, consideration of a court's evaluation of indigence and a sliding scale based upon ability to pay.

BE IT FURTHER RESOLVED that the study commission shall consist of the following members:

1 (1) The senator for Senate District 7, who shall serve as chairman of the study
2 commission.

3 (2) The chairman of the Senate Committee on Judiciary C, or his designee.

4 (3) The executive director of the Louisiana District Attorneys Association, or his
5 designee.

6 (4) The state public defender, or his designee.

7 (5) The president of the Louisiana Clerks of Court Association, or his designee.

8 (6) A juvenile justice advocate, appointed by the chief justice of the Supreme Court
9 of Louisiana.

10 (7) The superintendent of state police, or his designee.

11 (8) A member of Voice of the Experienced (V.O.T.E.), appointed by the executive
12 director.

13 (9) A member of The First 72+ appointed by the co-executive directors.

14 (10) A member from the Justice and Accountability Center of Louisiana, appointed
15 by the board of directors.

16 BE IT FURTHER RESOLVED that each designating authority shall submit the
17 names of designees to the study commission to the district office of the senator for Senate
18 District 7, no later than July 1, 2022.

19 BE IT FURTHER RESOLVED that in conducting this study, the study commission
20 shall seek input and advice from the following:

21 (1) Louisiana Clerks of Court Association.

22 (2) Louisiana District Attorneys Association.

23 (3) Louisiana Public Defenders Board.

24 (4) Louisiana Sheriffs' Association.

25 (5) Louisiana District Judges Association.

26 (6) Louisiana State Police.

27 BE IT FURTHER RESOLVED that a majority of the total membership of the study
28 commission shall constitute a quorum for the transaction of business, and all official actions
29 of the study commission shall require the affirmative vote of a majority of the members of
30 a quorum present and voting.

1 BE IT FURTHER RESOLVED that the study commission shall convene for its first
2 meeting no later than August 1, 2022, at the call of the chairman, and at the first meeting,
3 the members shall elect other officers as the study commission may deem appropriate.

4 BE IT FURTHER RESOLVED that the study commission may conduct such
5 meetings at such times it may deem necessary or convenient to enable it to exercise fully and
6 effectively its powers, perform its duties, and accomplish the objectives and purposes of this
7 Resolution.

8 BE IT FURTHER RESOLVED that the study commission shall receive staff support
9 from the Justice and Accountability Center of Louisiana or, at the discretion of the study
10 commission members, from one or more of the other entities from which the study
11 commission's membership is designated or appointed.

12 BE IT FURTHER RESOLVED that the members of the study commission shall
13 serve without compensation, except per diem or expenses reimbursement to which they may
14 be individually entitled as members of their constituent organizations.

15 BE IT FURTHER RESOLVED that the study commission shall make a written
16 report of its findings and recommendations, together with any specific proposals for
17 legislation, to the Senate Committee on Judiciary C and to the David R. Poynter Legislative
18 Research Library as required by R.S. 24:771 and 772, no later than March 15, 2023.

19 BE IT FURTHER RESOLVED that the study commission shall terminate on the date
20 of the submission of its report or March 15, 2023, whichever occurs first.

21 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
22 Louisiana District Attorneys Association, the Louisiana Public Defender Board, the
23 Louisiana Clerks of Court Association, the Louisiana Supreme Court, the office of state
24 police, V.O.T.E., The First 72+, the Justice and Accountability Center of Louisiana , and the
25 Louisiana Sheriffs' Association.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Whitney Kauffeld.

David R. Poynter Research Library, not later than March 15, 2023, and to terminate upon the date of submission of such report or on March 15, 2023, whichever occurs first.

The task force is comprised of the following members:

- (1) The senator for Senate District 7, who will serve as chairman of the study commission.
- (2) The chairman of the Senate Committee on Judiciary C, or his designee.
- (3) The executive director of the La. District Attorneys Association, or his designee.
- (4) The state public defender, or his designee.
- (5) The president of the La. Clerks of Court Association, or his designee.
- (6) One juvenile justice advocate, appointed by the chief justice of the La. Supreme Court.
- (7) The superintendent of state police, or his designee.
- (8) One member of Voice of the Experienced (V.O.T.E.), appointed by the executive director.
- (9) One member of The First 72+, appointed by the co-executive directors.
- (10) One member from the Justice and Accountability Center of Louisiana appointed by the board of directors.

Specifies that the members of the task force serve without compensation, except for such reimbursement or per diem they are individually entitled to as members of the constituent group they represent. Names the senator representing District 7 as the chair. Requires the names of the members be submitted to the chair of the task force by July 1, 2022, and the chair will thereafter call the first meeting of the task force.