

2024 Regular Session

SENATE BILL NO. 116

BY SENATOR JACKSON-ANDREWS

CRIMINAL RECORDS. Provides relative to the expungement of felony convictions.  
(8/1/24)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 978(A)(2) and (E)(1)(b) and (2) and  
3 992, relative to expungement of records; to provide for the expungement of a felony  
4 record with another felony conviction during the ten-year cleansing period under  
5 certain circumstances; to provide relative to expungement forms; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Art. 978(A)(2) and (E)(1)(b) and (2) and 992  
9 are hereby amended and reenacted to read as follows:

10 Art. 978. Motion to expunge record of arrest and conviction of a felony offense

11 A. Except as provided in Paragraph B of this Article, a person may file a  
12 motion to expunge his record of arrest and conviction of a felony offense if any of  
13 the following apply:

14 \* \* \*

15 (2)(a) More than ten years have elapsed since the person completed any  
16 sentence, deferred adjudication, or period of probation or parole based on the felony  
17 conviction; and, except as provided in Subsubparagraph (c) of this



1 convictions during the ten-year period and no pending charges under a bill of  
2 information or indictment. **For purposes of this certification, "convictions" shall**  
3 **not include any conviction of a noncapital felony for which the sentence was**  
4 **suspended pursuant to Code of Criminal Procedure Article 893(A) or (B) within**  
5 **the ten-year period.** The motion shall be heard by contradictory hearing as provided  
6 by **Code of Criminal Procedure** Article 980.

7 \* \* \*

8 Art. 992. Order of expungement form to be used

9 STATE OF LOUISIANA  
10 JUDICIAL DISTRICT FOR THE PARISH OF

11 \_\_\_\_\_  
12 No.: \_\_\_\_\_

Division: " \_\_\_\_\_ "

13 State of Louisiana

14 vs.

15 \_\_\_\_\_  
16 **ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD**

17 Considering the Motion for Expungement

- 18  The hearing conducted and evidence adduced herein, OR
- 19  Affidavits of No Opposition filed,

20 IT IS ORDERED, ADJUDGED AND DECREED

- 21  THE MOTION IS DENIED for No(s).        for the following reasons (check all  
22 that apply):
  - 23  More than five years have not elapsed since Mover completed the misdemeanor  
24 conviction sentence.
  - 25  More than ten years have not elapsed since Mover completed the felony conviction  
26 sentence.
  - 27  Mover was convicted of one of the following ineligible felony offenses:
    - 28  A violation of the Uniform Controlled Dangerous Substances Law which is ineligible  
29 to be expunged.
    - 30  An offense currently listed as a sex offense that requires registration pursuant to R.S.  
31 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to  
32 register was ever imposed.
    - 33  An offense defined or enumerated as a "crime of violence" pursuant to R.S. 14:2(B)  
34 at the time the Motion was filed.
    - 35  The arrest and conviction being sought to have expunged is for operating a motor

- 1 vehicle while intoxicated and a copy of the proof from the Department of Public Safety
- 2 and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art.
- 3 984(A).
- 4  Mover was convicted of a misdemeanor which arose from circumstances involving a
- 5 sex offense as defined in R.S. 15:541.
- 6  Mover was convicted of misdemeanor offense of domestic abuse battery which was
- 7 not dismissed pursuant to C.Cr.P. Art. 894(B).
- 8  Mover did not complete pretrial diversion.
- 9  The charges against the mover were not dismissed or refused.
- 10  Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art.
- 11 893(E).
- 12  Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art.
- 13 894(B).
- 14  Mover completed a DWI pretrial diversion program, but five years have not elapsed
- 15 since the mover's date of arrest.
- 16  Mover's conviction for felony carnal knowledge of a juvenile is not defined as
- 17 misdemeanor carnal knowledge of a juvenile had the mover been convicted on or after
- 18 August 15, 2001.
- 19  Mover was not convicted of a crime that would be eligible for expungement as
- 20 required by C.Cr.P. Art. 978(E)(1).
- 21  Mover has criminal charges pending against him.
- 22  Mover was convicted of a criminal offense during the ten-year period, **excluding any**
- 23 **noncapital felony for which sentence was suspended pursuant to C.Cr.P. Art.**
- 24 **893(A) or (B).**
- 25  Mover received a first offender pardon but for an ineligible offense.
- 26  Mover did not receive a first offender pardon.
- 27  Denial for any other reason provided by law with attached reasons for denial.
- 28  **THE MOTION IS HEREBY GRANTED** for No(s). \_\_\_\_\_ and all agencies
- 29 are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any
- 30 other such information of any kind maintained in connection with the Arrest(s)/Conviction(s)
- 31 in the above-captioned matter, which record shall be confidential and no longer considered a
- 32 public record, nor be available to other persons except a prosecutor, member of a law
- 33 enforcement agency, or a judge who may request such information in writing certifying that such
- 34 request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the
- 35 purpose of any other statutorily defined law enforcement or administrative duties, or for the
- 36 purpose of the requirements of sex offender registration and notification pursuant to the
- 37 provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for good

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cause shown, or as otherwise authorized by law.

**THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY REDACTION** If the record includes more than one individual and the mover is entitled to expungement by redaction pursuant to Code of Criminal Procedure Article 985, for No(s). \_\_\_\_\_ and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the above-captioned matter as they relate to the mover only. The record shall be confidential and no longer considered a public record, nor be available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

NAME: \_\_\_\_\_

(Last, First, MI)

DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

GENDER: \_\_\_\_ Female \_\_\_\_ Male

SSN (last 4 digits): XXX-XX-\_\_\_\_\_

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

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

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

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

ARREST NUMBER (ATN): \_\_\_\_\_

AGENCY ITEM NUMBER: \_\_\_\_\_

ARREST DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

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THUS ORDERED AND SIGNED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_, Louisiana.

\_\_\_\_\_

JUDGE

**PLEASE SERVE:**

- 1. District Attorney: \_\_\_\_\_
- 2. Arresting Agency: \_\_\_\_\_
- 3. Parish Sheriff: \_\_\_\_\_
- 4. Louisiana Bureau of Criminal Identification and Information \_\_\_\_\_
- 5. Attorney for Defendant (or defendant) \_\_\_\_\_
- 6. Clerk of Court \_\_\_\_\_

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

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DIGEST

SB 116 Original

2024 Regular Session

Jackson-Andrews

Present law provides that, when it appears to be in the best interest of the public and of the defendant, the court may suspend the imposition or execution of sentence for conviction of certain noncapital felonies under certain circumstances. Present law further provides that the court cannot suspend the sentence for certain felony convictions under certain circumstances, including certain crimes of violence and sex offenses.

Proposed law retains present law.

Present law authorizes a person to file a motion to expunge his record of arrest and conviction of a felony offense under the following circumstances:

- (1) More than 10 years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole.
- (2) The person has not been convicted of any other criminal offense during the 10-year period.

- (3) The person has no criminal charge pending against him.

Present law requires that the motion for expungement include a certification obtained from the district attorney verifying that the applicant has no convictions during the 10-year period and no pending charges.

Proposed law provides that conviction of a noncapital felony during the 10-year cleansing period, for which the sentence was suspended because it was in the best interest of the public and the defendant, does not bar an expungement.

Proposed law otherwise retains present law.

Present law authorizes the court to order the expungement of the arrest and conviction records of a person pertaining to a conviction of aggravated battery, second degree battery, aggravated criminal damage to property, simple robbery, purse snatching, or illegal use of weapons or dangerous instrumentalities if all of the following conditions are proven by the petitioner:

- (1) More than 10 years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole based on the felony conviction.
- (2) The person has not been convicted of any other criminal offense during the 10-year period.
- (3) The person has no criminal charge pending against him.

Present law requires that the motion for expungement include a certification from the district attorney which verifies that the applicant has no convictions during the 10-year period and no pending charges. Present law provides that the motion will be heard by contradictory hearing.

Proposed law provides that conviction of a noncapital felony during the 10-year cleansing period, for which the sentence was suspended because it was in the best interest of the public and the defendant, does not bar an expungement.

Proposed law otherwise retains present law.

Present law provides that the record of arrest and conviction for certain felony offenses, including most crimes of violence, a sex offense against a minor, certain drug offenses, and domestic abuse battery, cannot be expunged.

Proposed law retains present law.

Present law provides a form for the order of expungement to be used by the court.

Proposed law retains present law and adds a provision to conform to proposed law relative to noncapital felony convictions during the 10-year cleansing period that do not bar expungement.

Effective August 1, 2024.

(Amends C.Cr.P. Art. 978(A)(2) and (E)(1)(b) and (2) and 992)