#### **HOUSE COMMITTEE AMENDMENTS**

2024 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 553 by Representative Bryant

### 1 AMENDMENT NO. 1

- 2 On page 1, line 2, after "To" and before" enact" insert "amend and reenact Code of Criminal
- 3 Procedure Article 972 and 983(G) and to"

# 4 AMENDMENT NO. 2

- 5 On page 1, line 3, after "individuals;" and before "and" insert "to provide for a definition;
- 6 to provide relative to criteria to receive an expungement; to provide for exceptions; to
- 7 provide for duties; to provide for exemption from processing fees;"

## 8 AMENDMENT NO. 3

- 9 On page 1, line 6, after "Section 1." and before "Code" insert "Code of Criminal Procedure
- Article 972 and 983(G) are hereby amended and reenacted and"

### 11 AMENDMENT NO. 4

13

14

15

16 17

18 19

20

21 22

23

24

25

26

2728

29

30

31

32

33

3435

36

37

38 39

40

41 42

43 44

On page 1, between lines 7 and 8, insert the following:

"Art. 972. Definitions

As used in this Title:

- (1) "Expedited expungement" means an order of expungement that a judge may sign pursuant to Article 999 without the individual filing a motion to expunge with the clerk of court.
- (2) "Expunge a record" means to remove a record of arrest or conviction, photographs, fingerprints, disposition, or any other information of any kind from public access pursuant to the provisions of this Title. "Expunge a record" does not mean destruction of the record.
- (2)(3) "Expungement by redaction" provides for the expungement of records of a person who is arrested or convicted with other persons who are not entitled to expungement and involves the removal of the name or any other identifying information of the person entitled to the expungement and otherwise retains the records of the incident as they relate to the other persons.
- $\frac{3}{4}$  "Interim expungement" means to expunge a felony arrest from the criminal history of a person who was convicted of a misdemeanor offense arising out of the original felony arrest. Only the original felony arrest may be expunged in an interim expungement.
- (4) (5) "Records" includes any incident reports, photographs, fingerprints, disposition, or any other such information of any kind in relation to a single arrest event in the possession of the clerk of court, any criminal justice agency, and local and state law enforcement agencies but shall not include DNA records. Records shall also include records of an arrest based on a warrant or attachment for failure to appear in court for the same offense or offenses for which the person is seeking an expungement.

\* \*

- Art. 983. Costs of expungement of a record; fees; collection; exemptions; disbursements
- G. Notwithstanding any other provision of law to the contrary, a the following individuals shall be exempt from the payment of the processing fees otherwise authorized by this Article:

Page 1 of 2

1	(1) A juvenile who has successfully completed any juvenile drug court
2	program operated by a court of this state shall be exempt from payment of the
3	processing fees otherwise authorized by this Article.
4	(2) A person eligible for an expedited expungement pursuant to Article 999.
5	* * *!
6	AMENDMENT NO. 5
7	On page 1, at the beginning of line 9, insert "A."
8	AMENDMENT NO. 6
9	On page 1, line 9, after "the" and before "expungement" change "automatic" to "expedited"
10	AMENDMENT NO. 7
11	On page 1, delete lines 13 and 14 in their entirety and insert the following:
12	"(2) The district attorney, for any reason, declined to prosecute any offense
13	arising out of that arrest, including the reason that the person successfully completed
14	a pretrial diversion program.
15	(3) Prosecution was instituted and such proceedings have been finally
16	disposed of by dismissal, sustaining of a motion to quash, or acquittal.
17	B. The provisions of this Article shall not apply to any misdemeanor or
18	felony conviction arising from the incident of arrest or any arrest for a sex offense
19	as defined in R.S. 15:541.
20	C. The expedited expungement shall be served pursuant to the provisions of
21	Article 982."