2024 Regular Session

ACT No. 270

HOUSE BILL NO. 553

BY REPRESENTATIVES BRYANT, BOYD, CARPENTER, WILFORD CARTER, CHASSION, FISHER, GREEN, JACKSON, TRAVIS JOHNSON, KNOX, LAFLEUR, MARCELLE, MENA, MOORE, NEWELL, SELDERS, TAYLOR, AND WALTERS

1   AN ACT

2   To amend and reenact Code of Criminal Procedure Articles 972 and 983(G) and to enact

3   Code of Criminal Procedure Articles 999 and 999.1, relative to expungement; to

4   provide for the expungement of arrest records for certain individuals; to provide for

5   a definition; to provide relative to criteria to receive an expungement; to provide for

6   exceptions; to provide for duties; to provide for exemption from processing fees; to

7   provide for an expungement form; and to provide for related matters.

8   Be it enacted by the Legislature of Louisiana:

9   Section 1. Code of Criminal Procedure Articles 972 and 983(G) are hereby amended

10   and reenacted and Code of Criminal Procedure Articles 999 and 999.1 are hereby enacted

11   to read as follows:

12   Art. 972. Definitions

13   As used in this Title:

14   (1) "Expedited expungement" means an order of expungement that a judge

15   may sign pursuant to Article 999 without the individual filing a motion to expunge

16   with the clerk of court.

17   (2) "Expunge a record" means to remove a record of arrest or conviction,

18   photographs, fingerprints, disposition, or any other information of any kind from

19   public access pursuant to the provisions of this Title. "Expunge a record" does not

20   mean destruction of the record.

1   (2) (3) "Expungement by redaction" provides for the expungement of records

2   of a person who is arrested or convicted with other persons who are not entitled to

3   expungement and involves the removal of the name or any other identifying

4   information of the person entitled to the expungement and otherwise retains the

5   records of the incident as they relate to the other persons.

6   (3) (4) "Interim expungement" means to expunge a felony arrest from the

7   criminal history of a person who was convicted of a misdemeanor offense arising out

8   of the original felony arrest. Only the original felony arrest may be expunged in an

9   interim expungement.

10   (4) (5) "Records" includes any incident reports, photographs, fingerprints,

11   disposition, or any other such information of any kind in relation to a single arrest

12   event in the possession of the clerk of court, any criminal justice agency, and local

13   and state law enforcement agencies but shall not include DNA records. Records

14   shall also include records of an arrest based on a warrant or attachment for failure to

15   appear in court for the same offense or offenses for which the person is seeking an

16   expungement.

17   *   *   *

18   Art. 983.   Costs of expungement of a record; fees; collection; exemptions;

19   disbursements

20   *   *   *

21   G.   Notwithstanding any other provision of law to the contrary, a the

22   following individuals shall be exempt from the payment of the processing fees

23   otherwise authorized by this Article:

24   (1) A juvenile who has successfully completed any juvenile drug court

25   program operated by a court of this state shall be exempt from payment of the

26   processing fees otherwise authorized by this Article.

27   (2) A person eligible for an expedited expungement pursuant to Article 999.

28   *   *   *

1   Art. 999. Expungement of arrest records for certain individuals

2   A. A person shall be entitled to the expedited expungement of his arrest, at

3   no cost to him, if he meets all of the following:

4   (1) He is seventeen years of age when he is arrested or charged with any

5   criminal offense as provided in Title 14 or 40 of the Louisiana Revised Statues of

6   1950.

7   (2) The district attorney, for any reason, declined to prosecute all offenses

8   arising out of that arrest, including the reason that the person successfully completed

9   a pretrial diversion program.

10   (3) Prosecution was instituted and such proceedings have been finally

11   disposed of by dismissal, sustaining of a motion to quash, or acquittal.

12   B. The provisions of this Article shall not apply to any misdemeanor or

13   felony conviction arising from the incident of arrest.

14   C. The expedited expungement shall be served pursuant to the provisions of

15   Article 982.

16   Art. 999.1. Order form to be used; expedited expungement

17   **JUDICIAL DISTRICT FOR THE PARISH OF**

18   _____

19   **No.:** _____   **Division: "**   **"**

20   **State of Louisiana**

21   **vs.**

22   _____

23   **ORDER OF EXPUNGEMENT UNDER**

24   **CODE OF CRIMINAL PROCEDURE ARTICLE 999**

25   Pursuant to Code of Criminal Procedure Article 999, wherein all of the

26   following applies,

27   (1) The defendant was seventeen years of age when he was arrested or

28   charged with any criminal offense as provided in Title 14 or 40 of the Louisiana

29   Revised Statutes of 1950.

1   (2) The district attorney, for any reason, declined to prosecute all offenses

2   arising out of that arrest, including the reason that the person successfully completed

3   a pretrial diversion program.

4   (3) Prosecution was instituted and such proceedings have been finally

5   disposed of by dismissal, sustaining of a motion to quash, or acquittal.

6   **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the

7   following charges and arrest on the dates provided herein be expunged.

8   **THUS ORDERED AND SIGNED, ADJUDGED, AND DECREED** this

9   _____ day of _____, 20_____ at _____, Louisiana,

10   _____.

11   _____

12   JUDGE

13   **DEFENDANT INFORMATION:**

14   NAME:_____

15   First   Middle   Last

16   DATE OF BIRTH:_____

17   GENDER:_____

18   SS#_____

19   RACE_____

20   DRIVERS LICENSE#_____

21   ARRESTING AGENCY_____

22   SID#_____

23   ARREST NUMBER (ATN)_____

24   AGENCY ITEM NO:_____

25   **PLEASE SERVE:**

26   1. District Attorney:_____

27   2. Arresting Agency:_____

28   3. Parish Sheriff:_____

29   4. Louisiana Bureau of Criminal Identification and Information

30   _____

1 5. Attorney for Defendant (or defendant)_____

2 6. Clerk of Court _____

_____
SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
PRESIDENT OF THE SENATE

_____
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in struck through type are deletions from existing law; words underscored are additions.