

GREEN SHEET REDIGEST

HB 837

2015 Regular Session

Price

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

CRIMINAL/RECORDS: Provides with respect to expungement

DIGEST

Abstract: Provides for expungement of records of arrest and conviction for persons determined to be factually innocent and entitled to compensation for a wrongful conviction and allows for the expungement of specific crimes of violence after a cleaning period.

Present law provides for the expungement of misdemeanor arrest and conviction records if either of the following occur:

- (1) The conviction and prosecution dismissed.
- (2) Five years have elapsed since the completion of sentence, probation, or deferred sentence and the applicant has not been convicted of any felony offenses during the five-year period.

Proposed law retains present law and adds an additional criteria if the person was determined to be factually innocent and entitled to compensation for a wrongful conviction.

Present law provides for the expungement of felony arrest and conviction records if either of the following occur:

- (1) The conviction and prosecution dismissed.
- (2) 10 years have elapsed since the completion of sentence, probation, or deferred sentence and the applicant has not been convicted of any offenses during the 10-year period.

Proposed law retains present law and adds an additional criteria if the person was determined to be factually innocent and entitled to compensation for a wrongful conviction.

Present law provides for the expungement of certain misdemeanor and felony arrest and conviction records, but prohibits an expungement of a conviction for a crime of violence.

Proposed law changes present law to allow for the expungement of aggravated battery, second degree battery, aggravated assault, aggravated criminal damage to property, simple robbery, purse snatching, and illegal use of weapons or dangerous instrumentalities if 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, and the person has not been convicted of any other criminal offense during the 10-year period, has no criminal charge pending against him, and has been employed for a period of 10 consecutive years.

Present law provides a form for a motion for expungement.

Proposed law adds "factual innocence" as a ground for expungement to the motion for expungement form.

Proposed law otherwise retains present law.

(Amends C.Cr.P. Arts. 977(A)(intro. para.), 978(A)(intro. para.) and (B)(1) and 989; adds C.Cr.P. Arts. 977(A)(3) and 978(A)(3) and (E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the
engrossed bill

1. Add "factual innocence" as a ground for expungement to motion for expungement form.