

**SENATE COMMITTEE AMENDMENTS**

2015 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Engrossed House Bill No. 837 by Representative Price

1 AMENDMENT NO. 1

2 On page 1, at the end of line 2, insert a comma ","

3 AMENDMENT NO. 2

4 On page 1, at the beginning of line 3, delete "and"

5 AMENDMENT NO. 3

6 On page 1, line 3, after "(B)(1)" and before "and to" insert a comma "," and insert "and 989"

7 AMENDMENT NO. 4

8 On page 1, line 6, after "period;" and before "and" insert "to provide for expungement forms  
9 regarding factual innocence;"

10 AMENDMENT NO. 5

11 On page 1, at the end of line 9, delete "and" and insert a comma ","

12 AMENDMENT NO. 6

13 On page 1, line 10, after "978(A)(introductory paragraph)" and before "(B)(1)" delete "and"  
14 and insert a comma "," and after "(B)(1)" and before "are" insert "and 989"

15 AMENDMENT NO. 7

16 On page 3, after line 12, insert the following:

17 \* \* \*

18 Art. 989. Motion for expungement forms to be used

19 **STATE OF LOUISIANA**  
20 **JUDICIAL DISTRICT FOR THE PARISH OF**

21 \_\_\_\_\_  
22 **No.:** \_\_\_\_\_ **Division:** " \_\_\_\_\_ "

23 **State of Louisiana**  
24 **vs.**  
25 \_\_\_\_\_

26 **MOTION FOR EXPUNGEMENT**

27 NOW INTO COURT comes mover, who provides the court with the  
28 following information in connection with this request:

29 **I. DEFENDANT INFORMATION**

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

31 (Last, First, MI)

32 DOB: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (MM/DD/YYYY)

33 GENDER \_\_\_\_\_ Female \_\_\_\_\_ Male

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

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

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

1 ARRESTING AGENCY: \_\_\_\_\_  
2 SID# (if available): \_\_\_\_\_  
3 ARREST NUMBER: \_\_\_\_\_

4 Mover is entitled to expunge the record of his arrest/conviction pursuant to  
5 Louisiana Code of Criminal Procedure Article 971 et seq. and states the following  
6 in support:

7 **II. ARREST INFORMATION**

8 1. Mover was arrested on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (MM/DD/YYYY)

9 2. \_\_\_\_\_ YES \_\_\_\_\_ NO A supplemental sheet with arrests and/or  
10 convictions is attached after page 2 of this  
11 Motion.

12 3. Mover was:  
13 \_\_\_\_\_ YES \_\_\_\_\_ NO Arrested, but it did not result in conviction  
14 \_\_\_\_\_ YES \_\_\_\_\_ NO Convicted of and seeks to expunge a  
15 misdemeanor  
16 \_\_\_\_\_ YES \_\_\_\_\_ NO Convicted of and seeks to expunge a felony  
17 \_\_\_\_\_ YES \_\_\_\_\_ NO Convicted but determined to be factually  
18 innocent and entitled to compensation for a  
19 wrongful conviction pursuant to the  
20 provisions of R.S. 15:572.8.

21 4. Mover was booked and/or charged with the following offenses: (List each  
22 offense booked and charged separately. Attach a supplemental sheet, if  
23 necessary.)

24 \_\_\_\_\_ Yes \_\_\_\_\_ No **ARRESTS THAT DID NOT RESULT IN CONVICTION**

25 **ITEM NO. 1** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
26 Name of the offense \_\_\_\_\_  
27 ( ) Time expired for prosecution \_\_\_\_\_  
28 (MM/DD/YYYY)  
29 ( ) Not prosecuted for any offense  
30 arising out of this charge.  
31 ( ) Pre-trial Diversion Program.  
32 ( ) DWI Pre-Trial Diversion Program  
33 and 5 years have elapsed since the  
34 date of arrest.  
35 ( ) Charge dismissed  
36 ( ) Found not guilty/judgment of acquittal

37 **ITEM NO. 2** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
38 Name of the offense \_\_\_\_\_  
39 ( ) Time expired for prosecution \_\_\_\_\_  
40 (MM/DD/YYYY)  
41 ( ) Not prosecuted for any  
42 offense arising out of this charge.  
43 ( ) Pre-trial Diversion Program.  
44 ( ) Charge dismissed  
45 ( ) Found not guilty/judgment of acquittal

46 **ITEM NO. 3** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
47 Name of the offense \_\_\_\_\_  
48 ( ) Time expired for prosecution \_\_\_\_\_  
49 (MM/DD/YYYY)  
50 ( ) Not prosecuted for any offense  
51 arising out of this charge.  
52 ( ) Pre-trial Diversion Program.  
53 ( ) Charge dismissed  
54 ( ) Found not guilty/judgment of acquittal



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- Certification Letter from the District Attorney verifying that the applicant did not participate in a pretrial diversion program.
- A copy of the order waiving the sex offender registration and notification requirements.
- A copy of the court order determination of factual innocence and order of compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8 if applicable.

The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the district attorney's office, or the Louisiana Bureau of Criminal Investigation and Information, that an order be issued herein ordering the expungement of the record of arrest and/or conviction set forth above, including all photographs, fingerprints, disposition, or any other such information, which record shall be confidential and no longer considered a public record, nor be made 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 as an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

If an "Affidavit of No Opposition" by each agency named herein is attached hereto and made a part hereof, Defendant requests that no contradictory hearing be required and the Motion be granted ex parte.

Respectfully submitted,

Mover/Defendant

\_\_\_\_\_  
Signature of Attorney for

\_\_\_\_\_  
Attorney for Mover/Defendant Name

\_\_\_\_\_  
Attorney's Bar Roll No.

\_\_\_\_\_  
Address

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City, State, ZIP Code

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Telephone Number

**If not represented by counsel:**

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Signature of Mover/Defendant

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Mover/Defendant Name

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Address

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City, State, ZIP Code

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Telephone Number

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