

RÉSUMÉ DIGEST

HB 837

2015 Regular Session

Price

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

- (1) The conviction was set aside and the prosecution was 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 would have added 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 occurs:

- (1) The conviction was set aside and the prosecution was 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 would have added 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 would have changed 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 would have added "factual innocence" as a ground for expungement to the motion for expungement form.

Proposed law would have otherwise retained present law.

(Proposed to amend C.Cr.P. Arts. 977(A)(intro. para.), 978(A)(intro. para.) and (B)(1), and 989; Proposed to add C.Cr.P. Arts. 977(A)(3) and 978(A)(3) and (E))

VETO MESSAGE

"House Bill No. 837 would allow offenders convicted of violent crimes such as Aggravated Battery, Second Degree Battery, Aggravated Assault, Aggravated Criminal Damage to Property, Simple Robbery, Purse Snatching, and Illegal Use of Weapons or Dangerous Instrumentalities to have these convictions permanently expunged from their criminal record.

Last year, I signed HB 55 by Representative Lopinto, which significantly expanded access to expungements for a broad range of non-violent, non-sexual felony and misdemeanor convictions. However, expanding access to expungements to include violent crimes is a step too far and creates a potential public safety risk to prospective employers, landlords, and various licensing boards that rely on accurate and complete criminal background information in order to make informed decisions. The potential to expand employment opportunities for

ex-offenders is far outweighed by the need to have appropriate access to violent criminal histories.

For these reasons, I have vetoed House Bill No. 837 and hereby return it to the House of Representatives."