SLS 18RS-475 ORIGINAL

2018 Regular Session

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SENATE CONCURRENT RESOLUTION NO. 6

BY SENATOR MORRELL

CRIMINAL RECORDS. Directs the Louisiana State Law Institute to study and make recommendations relative to expungement fees.

A CONCURRENT RESOLUTION

## 2 To authorize and direct the Louisiana State Law Institute to study and make recommendations relative to fees for the expungement of arrest and conviction 3 4 records. 5 WHEREAS, Louisiana law provides for the expungement of certain arrest and 6 conviction records under limited circumstances; and WHEREAS, the provisions of law regarding expungement have been revised over 8 the years with the goal of simplifying, consolidating, and clarifying expungement 9 procedures; and 10 WHEREAS, Louisiana law provides for the mandatory expungement of certain 11 records when the defendant was arrested and not convicted, the district attorney declines to prosecute, or the time limitations for the institution of prosecution have expired, without cost 12 13 to the defendant; and 14 WHEREAS, expungement of other records of arrest and conviction not falling into any of these categories requires the defendant to pay certain nonrefundable fees to the 15 16 Louisiana Bureau of Criminal Identification, the sheriff of the parish in which the arrest was made, the district attorney of the parish in which the conviction was obtained, and the clerk 17 of court; and 18

SLS 18RS-475 **ORIGINAL** SCR NO. 6

1	WHEREAS, while the maximum amounts of these fees is set by law, the actual
2	amounts charged by the named entities and the methods of collection can vary from parish
3	to parish, creating a level of uncertainty in present law for those persons seeking to have
4	certain records of arrest or conviction expunged; and
5	WHEREAS, a study of the necessity and fairness of the amounts of the fees that may
6	be charged for an expungement should be made, and a uniform and streamlined procedure
7	for the payment and collection of these fees should be developed.
8	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
9	authorize and direct the Louisiana State Law Institute to study and make recommendations
10	for the revision of laws regarding expungement fees.
11	BE IT FURTHER RESOLVED that the Louisiana State Law Institute work in
12	conjunction with the Louisiana District Attorneys Association, the Louisiana Public
13	Defender Board, the Louisiana Sheriffs' Association, the Louisiana State Police, the
14	Louisiana Commission on Law Enforcement and the Administration of Criminal Justice, the
15	Louisiana Clerks of Court Association, and any other agencies or associations deemed
16	appropriate by the committee regarding this study.
17	BE IT FURTHER RESOLVED that the Louisiana State Law Institute report its
18	findings and recommendations to the Legislature of Louisiana on or before February 1
19	2019.
20	BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
21	director of the Louisiana State Law Institute.

SCR 6 Original

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

> DIGEST 2018 Regular Session

Morrell

Directs the La. State Law Institute to study the laws relative to expungement fees, make recommendations relative to the amount of these fees and how they are to be paid and collected, and report its findings to the legislature on or before 2/1/19.