

2019 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 106

BY REPRESENTATIVE JAMES

A CONCURRENT RESOLUTION

To urge and request the Louisiana District Attorneys Association, in conjunction with the Louisiana Supreme Court and other courts in Louisiana, the Louisiana Clerks of Court Association, the Louisiana Public Defender Board, the Louisiana Sheriffs' Association, Louisiana State Police, the Justice Accountability Center of Louisiana, and Voice of the Experienced to study and evaluate the process and procedure for automatic criminal record-clearing for individuals who remain free from convictions for a certain period of time.

WHEREAS, in 2018, Pennsylvania was the first state to pass "clean slate" legislation, which allows for an individual to petition the courts for their records to be sealed if the individual has been free from conviction for ten years for an offense that resulted in a year or more in prison, and has paid all court-ordered financial debts; and

WHEREAS, the Pennsylvania legislation does not allow for the sealing of records for serious crimes, such as certain firearm charges, sex offenses, murder, and kidnapping; and

WHEREAS, Louisiana law provides for the mandatory expungement of certain 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 to the defendant; and

WHEREAS, there are many barriers associated with a criminal record, such as employment, cognitive development, and attaining a degree; and

WHEREAS, according to research by the University of Michigan, people are eleven percent more likely to be employed and earn higher wages one year after a criminal record is cleared; and

WHEREAS, a vast majority of people cannot afford a lawyer, pay court fees, or navigate the process to petition the court; and

WHEREAS, automatic record-clearing removes the burden of filing a court petition, is likely to reduce recidivism, and will benefit the national economy, which loses approximately eighty-seven billion dollars in gross domestic product every year by not hiring people with criminal records.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana District Attorneys Association, in conjunction with the Louisiana Supreme Court and other courts in Louisiana, the Louisiana Clerks of Court Association, the Louisiana Public Defender Board, the Louisiana Sheriffs' Association, Louisiana State Police, the Justice Accountability Center of Louisiana, and Voice of the Experienced to study and evaluate the process and procedure for automatic criminal record-clearing for individuals who remain free from convictions for a certain period of time.

BE IT FURTHER RESOLVED that this study shall be completed prior to the commencement of the 2020 Regular Session of the legislature.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the executive director of the Louisiana District Attorneys Association.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE