

2020 Regular Session

HOUSE RESOLUTION NO. 67

BY REPRESENTATIVE JAMES

A RESOLUTION

To authorize and direct the creation of the Clean Slate Task Force to study and evaluate the process and procedure for automatic criminal record-clearing for individuals who are eligible for expungement under Louisiana law.

WHEREAS, Pennsylvania in 2018 and Utah in 2019 passed "clean slate" legislation, allowing for automatic record-clearing under their respective states' expungement laws; Washington and Michigan are also considering "clean slate" legislation to automate expungements; and

WHEREAS, in the 2019 Regular Session of the Legislature of Louisiana, House Concurrent Resolution No. 106 requested certain groups 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; and

WHEREAS, Louisiana law provides for the mandatory expungement of certain records without cost to the defendant when the defendant was arrested and not convicted, the district attorney declined to prosecute, or the time limitations for the institution of prosecution expired; and

WHEREAS, current Louisiana law does not destroy a criminal record, but rather authorizes law enforcement, district attorneys, licensing boards, and a number of other statutorily enumerated agencies to continue to view criminal records after the records are expunged; and

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

WHEREAS, automatic criminal 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 House of Representatives of the Legislature of Louisiana does hereby authorize and direct the creation of the Clean Slate Task Force to develop processes and procedures to implement automatic criminal record-clearing in Louisiana and to recommend any legislative changes that would be necessary to enact automatic criminal record-clearing under Louisiana expungement law.

BE IT FURTHER RESOLVED that the task force shall be composed of the following members:

(1) The chairman of the House Committee on Administration of Criminal Justice, who authored House Concurrent Resolution No. 106 of the 2019 Regular Session of the Legislature, or his designee.

(2) The governor or his designee.

(3) The chief justice or his designee.

(4) A representative from the Case Management Information System Division of the Louisiana Supreme Court.

(5) The speaker of the House of Representatives or his designee.

(6) The secretary of the Department of Public Safety and Corrections or his designee.

(7) The president of the Louisiana Sheriffs' Association or his designee.

(8) Three representatives from Louisiana State Police, at least one of which represents the technology team for the Criminal Repository.

(9) The executive director of the Louisiana Clerks of Court Association or his designee.

(10) The executive director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice or his designee.

(11) The president or executive director of the Louisiana District Attorneys Association or their designee, and an individual from the technology team for the association.

(12) The district attorney for the parish of East Baton Rouge or his designee.

(13) A district attorney appointed by the Louisiana District Attorneys Association.

(14) A representative from the staff of the Louisiana Public Defender Board.

(15) A public defender appointed by the Louisiana Public Defender Board.

(16) A representative from the East Baton Rouge Office of the Public Defender.

(17) Two representatives from the Justice and Accountability Center of Louisiana.

(18) A representative from Louisianans for Prison Alternatives.

(19) A representative from Voice of the Experienced.

(20) A representative from Right on Crime.

(21) A representative from the Louisiana Association of Business and Industry.

BE IT FURTHER RESOLVED that a majority of the membership of the task force shall constitute a quorum and shall elect the chairman of the task force at its first meeting. The task force shall meet at the call of the chairperson or upon an affirmative vote of a majority of the task force members. All members shall be notified in writing of all meetings at least five days before the date on which a meeting of the task force is scheduled.

BE IT FURTHER RESOLVED that meetings of the task force shall take place at the Louisiana State Capitol and the first meeting of the task force shall take place no later than August 1, 2020.

BE IT FURTHER RESOLVED that the duties of the task force shall include but not be limited to all of the following:

(1) Analyze Louisiana criminal record data to determine changes that are necessary to provide for automatic criminal record-clearing.

(2) Recommend any legislation necessary for the 2021 Regular Session of the Legislature to enact automatic criminal record-clearing for eligible individuals.

(3) Recommend the amount of funds necessary for the enactment of "clean slate" legislation to be included in the budget prior to the 2021 Regular Session of the Legislature.

BE IT FURTHER RESOLVED that the task force may request and collect relevant and necessary data and information to accomplish its purposes from state and local government agencies, including courts.

BE IT FURTHER RESOLVED that the entities and court systems from which such information and data is requested may, to the extent feasible, provide such information and data to the task force at no cost.

BE IT FURTHER RESOLVED that the task force shall maintain qualified technical assistance and support through the continued assistance of Code for America and the Crime and Justice Institute.

BE IT FURTHER RESOLVED that the task force shall prepare and submit a report of its findings and policy recommendations to the governor and the House of Representatives of the Legislature of Louisiana no later than February 1, 2021, and any further reports or recommendations thereafter as requested by the governor or the House of Representatives of the Legislature of Louisiana, or as advised by the task force.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to each of the task force members and the appointing entities provided in this Resolution.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES