HLS 22RS-963 ORIGINAL

2022 Regular Session

HOUSE BILL NO. 774

1

BY REPRESENTATIVE GLOVER

CRIMINAL/RECORDS: Provides relative to expungements for certain amounts of possession of marijuana

AN ACT

2 To amend and reenact Code of Criminal Procedure Article 983(H) and (I) and to enact Code 3 of Criminal Procedure Articles 977(D) and 983(J), relative to expungement of 4 records; to provide relative to the motion to expunge a record of arrest and 5 conviction of a misdemeanor offense; to provide relative to when a person may file 6 an expungement for certain convictions of possession of marijuana; to provide 7 relative to the fees for an expungement of a record; to provide for exemptions of fees 8 in certain expungement cases; to provide for prospective and retroactive application; 9 and to provide for related matters. 10 Be it enacted by the Legislature of Louisiana: 11 Section 1. Code of Criminal Procedure Article 983(H) and (I) are hereby amended 12 and reenacted and Code of Criminal Procedure Articles 977(D) and 983(J) are hereby 13 enacted to read as follows: 14 Art. 977. Motion to expunge a record of arrest and conviction of a misdemeanor 15 offense 16 17 D. Notwithstanding any provision of law to the contrary, a person may file 18 a motion to expunge his record of arrest and conviction of a misdemeanor offense 19 involving the possession of marijuana, tetrahydrocannbinol, or chemical derivatives 20 thereof pursuant to R.S. 40:966(C)(2)(a) from the date of conviction. 21

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1	Art. 983. Costs of expungement of a record; fees; collection; exemptions;
2	disbursements
3	* * *
4	H. Notwithstanding any other provision of law to the contrary, a person who
5	has been convicted of a misdemeanor offense involving the possession of marijuana,
6	tetrahydrocannbinol, or chemical derivatives thereof pursuant to R.S.
7	40:966(C)(2)(a) shall be exempt from the payment of the processing fees otherwise
8	authorized by this Article.
9	H.I. If an application for an expungement of a record includes two or more
10	offenses arising out of the same arrest, including misdemeanors, felonies, or both,
11	the applicant shall be required to pay only one fee as provided for by this Article.
12	H.J. Notwithstanding any provision of law to the contrary, an applicant for
13	the expungement of a record, other than as provided in Paragraphs F and G of this
14	Article, may proceed in forma pauperis in accordance with the provisions of Code
15	of Civil Procedure Article 5181 et seq.
16	Section 2. The provisions of this Act shall be given prospective and retroactive
17	application.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 774 Original

2022 Regular Session

Glover

Abstract: Relative to the expungement of records, provides relative to when a person may file an expungement for certain convictions of possession of marijuana and exempts the payment of expungement fees for a person with certain convictions of possession of marijuana.

<u>Present law</u> provides for the expungement of certain arrest and conviction records under certain circumstances.

<u>Present law</u> (C.Cr.P. Art. 977) further provides that a person may file a motion to expunge his record of arrest and conviction of a misdemeanor offense if either of the following apply:

- (1) The conviction was set aside and prosecution was dismissed.
- (2) More than five years have elapsed since the person completed any sentence, deferred adjudication, or period of probation and parole, and the person has not been

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convicted of any felony offense during such period, and has no felony charge pending against him.

<u>Proposed law</u> retains <u>present law</u> and provides that a person may file a motion to expunge his record of arrest and conviction of a misdemeanor offense involving the possession of marijuana, tetrahydrocannbinol, or chemical derivatives thereof pursuant to <u>present law</u> (R.S. 40.966(C)(2)(a)) from the date of conviction.

<u>Present law</u> (C.Cr.P. Art. 983) provides relative to the fees for an expungement of a record and exempts certain applicants from paying any fees.

<u>Proposed law</u> retains <u>present law</u> and adds that a person who has been convicted of a misdemeanor offense involving the possession of marijuana pursuant to <u>present law</u> (R.S. 40:966(C)(2)(a)) shall be exempt from the payment of the processing fees otherwise authorized by <u>present law</u>.

Provides for prospective and retroactive application.

(Amends C.Cr.P. Art. 983(H) and (I); Adds C.Cr.P. Arts. 977(D) and 983(J))