

# ACT No. 342

HOUSE BILL NO. 286

BY REPRESENTATIVES BOYD, BRASS, BRYANT, CARPENTER, WILFORD CARTER, COX, FISHER, FREEMAN, GAINES, GLOVER, GREEN, HUGHES, KNOX, LAFLEUR, LARVADAIN, LYONS, MARCELLE, MOORE, NEWELL, PHELPS, PIERRE, SELDERS, AND WILLARD AND SENATORS BARROW AND CARTER

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 986(A) and (C) and to enact  
3 Code of Criminal Procedure Articles 977(D), 983(M), and 998, relative to  
4 expungement; 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 fees in certain  
8 expungement cases; to provide relative to the expungement form for misdemeanor  
9 marijuana convictions; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Code of Criminal Procedure Article 986(A) and (C) are hereby amended  
12 and reenacted and Code of Criminal Procedure Articles 977(D), 983(M), and 998 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 conviction  
19 for a first offense possession of marijuana, tetrahydrocannabinol, or chemical  
20 derivatives thereof after ninety days from the date of conviction.

21 \* \* \*

1 Art. 983. Costs of expungement of a record; fees; collection; exemptions;  
2 disbursements

3 \* \* \*

4 M.(1) Notwithstanding Paragraph B of this Article, the total cost to obtain  
5 a court order expunging a record of a misdemeanor conviction for a first offense  
6 possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof shall  
7 not exceed three hundred dollars. The nonrefundable processing fees for a court  
8 order expunging such record shall be as follows:

9 (a) The Louisiana Bureau of Criminal Identification and Information may  
10 charge a processing fee of fifty dollars for the expungement of the record when  
11 ordered to do so by the court in compliance with the provisions of this Title.

12 (b) The sheriff may charge a processing fee of fifty dollars for the  
13 expungement of the record when ordered to do so by the court in compliance with  
14 the provisions of this Title.

15 (c) The district attorney may charge a processing fee of fifty dollars for the  
16 expungement of the record when ordered to do so by the court in compliance with  
17 the provisions of this Title.

18 (d) The clerk of court may charge a processing fee of one hundred fifty  
19 dollars to cover the clerk's costs of the expungement.

20 (2) The clerk of court shall collect all processing fees at the time the motion  
21 for expungement is filed.

22 (3) The clerk shall immediately direct the collected processing fee provided  
23 for in Subsubpragraph (1)(a) of this Paragraph to the Louisiana Bureau of Criminal  
24 Identification and Information, and the processing fee amount shall be deposited  
25 immediately upon receipt into the Criminal Identification and Information Dedicated  
26 Fund Account.

27 (4) The clerk shall immediately direct the collected processing fees provided  
28 for in Subsubparagraphs (1)(b) and (c) of this Paragraph to the sheriff and the district  
29 attorney, and the processing fee amount shall be remitted immediately upon receipt

1 in equal proportions to the office of the district attorney and the sheriff's general  
2 fund.

3 (5) The provisions of this Paragraph shall be null, void, and without effect  
4 and shall terminate on August 1, 2026.

5 \* \* \*

6 Art. 986. Forms for the expungement of records

7 A. Only the forms provided for in Articles 987, 988, 989, 990, 991, 992, 993,  
8 994, ~~and 995~~, and 998 of this Code shall be used for filing motions to expunge a  
9 record of an arrest which did not result in a conviction, for the expungement of a  
10 record of arrest and conviction of a misdemeanor or felony offense, or for an interim  
11 motion to expunge a felony offense which resulted in a misdemeanor conviction.

12 \* \* \*

13 C. The clerk of court for any court in the state of Louisiana having criminal  
14 jurisdiction may amend any of the forms provided for in Articles 987, 988, 989, 990,  
15 991, 992, 993, 994, ~~and 995~~, and 998 to provide the appropriate name of the court  
16 ordering an expungement of records.

17 \* \* \*

18 Art. 998. Motion for expungement form to be used for certain misdemeanor  
19 convictions

20 **STATE OF LOUISIANA**

21 **JUDICIAL DISTRICT FOR THE PARISH OF**

22 \_\_\_\_\_

23 **No.:** \_\_\_\_\_

**Division: " \_\_\_\_\_ "**

24 **State of Louisiana**

25 **vs.**

26 \_\_\_\_\_

27 **MOTION FOR EXPUNGEMENT FOR MISDEMEANOR CONVICTION FOR A**

28 **FIRST OFFENSE POSSESSION OF MARIJUANA**

1 NOW INTO COURT comes mover, who provides the court with the following  
2 information in connection with this request:

3 **I. DEFENDANT INFORMATION**

4 NAME: \_\_\_\_\_

5 (Last, First, MI)

6 DOB: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (MM/DD/YYYY)

7 GENDER \_\_\_\_\_ Female \_\_\_\_\_ Male

8 SSN (last 4 digits): \_\_\_\_\_ XXX-XX- \_\_\_\_\_

9 RACE: \_\_\_\_\_

10 DRIVER LIC.# \_\_\_\_\_

11 ARRESTING AGENCY: \_\_\_\_\_

12 SID# (if available): \_\_\_\_\_

13 ARREST NUMBER (ATN): \_\_\_\_\_

14 AGENCY ITEM NO. \_\_\_\_\_

15 Mover is entitled to expunge the record of his arrest/conviction pursuant to Louisiana  
16 Code of Criminal Procedure Article 971 et seq. and states the following in support:

17 **II. MISDEMEANOR CONVICTION FOR A FIRST OFFENSE POSSESSION**  
18 **OF MARIJUANA**

19 1. Mover was convicted on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (MM/DD/YYYY)

20 The Mover prays that if there is no objection timely filed by the arresting law  
21 enforcement agency, the district attorney's office, or the Louisiana Bureau of  
22 Criminal Identification and Information, that an order be issued herein ordering the  
23 expungement of the record of arrest and/or conviction set forth above, including all  
24 photographs, fingerprints, disposition, or any other such information, which record  
25 shall be confidential and no longer considered a public record, nor be made available  
26 to other persons, except a prosecutor, member of a law enforcement agency, or a

1           judge who may request such information in writing, certifying that such request is  
2           for the purpose of prosecuting, investigating, or enforcing the criminal law, for the  
3           purpose of any other statutorily defined law enforcement or administrative duties,  
4           or for the purpose of the requirements of sex offender registration and notification  
5           pursuant to the provisions of R.S. 15:541 et seq. or as an order of this court to any  
6           other person for good cause shown, or as otherwise authorized by law.  
7           If an "Affidavit of No Opposition" by each agency named herein is attached hereto  
8           and made a part hereof, defendant requests that no contradictory hearing be required  
9           and the motion be granted ex parte.

Respectfully submitted,

11 \_\_\_\_\_  
12 Signature of Attorney for Mover/Defendant

13 \_\_\_\_\_  
14 Attorney for Mover/Defendant Name

15 \_\_\_\_\_  
16 Attorney's Bar Roll No.

17 \_\_\_\_\_  
18 Address

19 \_\_\_\_\_  
20 City, State, ZIP Code

21 \_\_\_\_\_  
22 Telephone Number

**If not represented by counsel:**

23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 Signature of Mover/Defendant

26 \_\_\_\_\_  
27 Mover/Defendant Name

28 \_\_\_\_\_  
29 Address

1  
2  
3

City, State, ZIP Code

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Telephone Number

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_