

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 116

2024 Regular Session

Jackson-Andrews

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIMINAL RECORDS. Provides for expungement of felony convictions. (8/1/24)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Adds provisions regarding filing a motion for expungement after ten years since completion of sentence, deferred adjudication, or period of probation or parole and for certification by the district attorney.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 116 Engrossed

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Present law authorizes a person to file a motion to expunge his record of arrest and conviction of a felony offense under the following circumstances:

- (1) More than 10 years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole.
- (2) The person has not been convicted of any other criminal offense during the 10-year period.
- (3) The person has no criminal charge pending against him.

Present law requires that the motion for expungement include a certification obtained from the district attorney verifying that the applicant has no convictions during the 10-year period and no pending charges.

Proposed law provides that a person is eligible to have more than one felony expunged in a 10-year period if each is otherwise eligible for expungement under present law.

Proposed law otherwise retains present law.

Present law provides a form for the order of expungement to be used by the court.

Proposed law retains present law and adds a provision to conform to proposed law relative to noncapital felony convictions during the preceding 10-year period that do not bar expungement.

Present law authorizes a person to file a motion to expunge his record of arrest and conviction of felony when more than ten years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole based on the felony conviction, and the person has not been convicted of any other criminal offense during the ten-year period, and has no criminal charge pending against him. Requires that the motion include a certification obtained from the district attorney which verifies that, to his knowledge, the applicant has no convictions during the ten-year period and no pending charges under a bill of information or indictment.

Proposed law retains these provisions but requires that the person not have been convicted of any criminal offense for a period of at least ten years preceding the motion. Adds clarifying language that prior to filing the motion the applicant obtain the certificate from the

district attorney verifying that the applicant has no convictions during the ten years preceding the date of the certificate and that the applicant has no pending charges under a bill of information or indictment. Requires that the motion for expungement include the original certificate and that the certificate be filed no later than thirty days following the date of the certificate.

Effective August 1, 2024.

(Amends C.Cr.P. Arts. 978(A)(2) and 992, adds C.Cr.P. Art. 978(F))

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