
HOUSE COMMITTEE AMENDMENTS

2025 Regular Session

Substitute for Original House Bill No. 406 by Representative Ventrella as proposed by the House Committee on House and Governmental Affairs

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 44:4.1(B)(35) and to enact R.S. 49:980.1, relative to adjudication proceedings pursuant to the Administrative Procedure Act; to provide for expungement of records related to a stipulation, agreed settlement, consent order, or proceeding in certain circumstances; to provide for grounds for expungement; to provide for procedures; to provide for confidentiality of records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:980.1 is hereby enacted to read as follows:

§980.1. Expungement of adjudication records; procedure; confidentiality

A.(1) A person may request expungement of adjudication proceeding records relative to a stipulation, agreed settlement, consent order, or default if the attorney general found that the interpretation of law relied upon by the agency and which resulted in the stipulation, agreed settlement, consent order or default was erroneous.

(2) A person may request expungement of adjudication proceeding records relative to a proceeding filed against a person in which it is alleged that the person violated one or more provisions of law if the agency instituted proceedings that, at the conclusion of adjudication proceedings, did not result in a finding of a violation of the law.

B.(1) A person who seeks expungement pursuant to this Section shall file with the agency a written request for expungement setting forth the facts that demonstrate that the requirement of Subsection A of this Section is satisfied.

(2)(a) The agency shall consider the request and if the facts stated in the request demonstrate that the requirement of Subsection A of this Section is satisfied, the agency shall grant the request and order expungement of the adjudication

proceeding records relative to the stipulation, agreed settlement, consent order, default, or proceeding.

(b) If the order of expungement involves records of the division of administrative law, the agency shall ensure that the order of expungement is served on the director of the division of administrative law as soon as practicable after issuance.

C.(1) The agency shall remove from public access all adjudication proceeding records that are ordered to be expunged, however, the records shall not be destroyed.

(2)(a) An expunged adjudication proceeding record shall be privileged, confidential, no longer be considered a public record, and not be made available to any person or entity other than the agency.

(b) All records concerning a request for expungement shall be confidential and shall not be made available to any person or other entity, except that such record shall be available to the agency.

Section 2. R.S. 44:4.1(B)(35) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

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(35) R.S. 49:220.25, 975.1, 980.1, 997, 1055

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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 Draft

2025 Regular Session

Abstract: Authorizes expungement of records of a stipulation, agreed settlement, consent order, or proceeding related to an administrative adjudication in certain circumstances

Present law (Administrative Procedure Act) provides for executive branch agencies to conduct adjudications for the formulation of a decision or order. Provides that adjudication proceedings are instituted by the agency and that informal disposition of such proceedings may be made by stipulation, agreed settlement, consent order, or default. Provides that adjudications may be conducted by the division of administrative law. Proposed law retains present law.

Proposed law authorizes a person to request expungement of adjudication proceeding records relative to a stipulation, agreed settlement, consent order, or default against a person in which it is alleged that the person violated one or more provisions of law if the attorney general found that the interpretation of law relied upon by the agency and which resulted in the stipulation, agreed settlement, consent order, or default was erroneous.

Proposed law authorizes a person to request expungement of adjudication proceeding records if the agency instituted proceedings that, at the conclusion of adjudication proceedings, did not result in a finding of a violation of the law.

Proposed law provides that a person who seeks expungement shall file with the agency a written request for expungement setting forth the facts that demonstrate that the grounds for expungement are satisfied.

Proposed law requires that if the facts stated in the request demonstrate that the grounds for expungement are satisfied, the agency order expungement of the adjudication proceeding records relative to the stipulation, agreed settlement, consent order, default, or proceeding.

Proposed law provides that if the order of expungement involves records of the division of administrative law, the agency shall ensure that the order of expungement is served on the director of the division of administrative law as soon as practicable after issuance.

Proposed law requires the agency to remove from public access all adjudication proceeding records that are ordered to be expunged, however, the records shall not be destroyed.

Proposed law provides that an expunged adjudication proceeding record shall be privileged, confidential, no longer be considered a public record, and not be made available to any person or entity other than the agency.

Proposed law provides that all records concerning a request for expungement shall be confidential and shall not be made available to any person or other entity, except that such record shall be available to the agency.

(Amends R.S. 44:4.1(B)(35); Adds R.S. 49:980.1)