SLS 11RS-297 **ENGROSSED**

Regular Session, 2011

SENATE BILL NO. 150

BY SENATOR MARTINY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CLERKS OF COURT. Authorizes the collection of the expungement processing fee by the clerk of court. (8/15/11)

AN ACT

To amend and reenact R.S. 44:9(A)(4), relative to expungement of arrest records in misdemeanor and felony cases; to authorize the clerk of court to collect the expungement processing fee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:9(A)(4) is hereby amended and reenacted to read as follows:

§9. Records of violations of municipal ordinances and of state statutes classified as a misdemeanor or felony

A. * * *

(4)**(a)** The sheriff and the district attorney may each charge a processing fee of fifty dollars for the expungement of any record of arrest when ordered to do so by the court in compliance with the provisions of this Section.

(b) The clerk of court shall collect the processing fee at the time the motion for expungement is filed. If the court finds the mover is entitled to the relief sought, the clerk shall direct the collected processing fee to the sheriff and the district attorney and the processing fee amount shall be deposited immediately upon receipt to the Sheriff Fund and the District Attorney Fund.

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

If the court does not grant such relief, the clerk of court shall return the processing fee to the moving party.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Martiny (SB 150)

Present law allows the sheriff and the district attorney to each charge a processing fee of $50 for the expungement of any record of arrest when ordered to do so by the court.

Proposed law provides that the clerk of court shall collect the sheriff's and district attorney's processing fee at the time the motion for expungement is filed. If the court finds the mover is entitled to the relief sought, the clerk shall direct the collected processing fee to the sheriff and the district attorney and the processing fee amount shall be deposited immediately upon receipt to the Sheriff Fund and the District Attorney Fund. If the court does not grant such relief, the clerk of court shall return the processing fee to the moving party.

Effective August 15, 2011.

(Amends R.S. 44:9(A)(4))

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