HLS 14RS-162 ORIGINAL

Regular Session, 2014

HOUSE BILL NO. 55

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BY REPRESENTATIVES LOPINTO, ARMES, WESLEY BISHOP, DIXON, GAINES, HONORE, KATRINA JACKSON, JEFFERSON, MORENO, JIM MORRIS, AND SMITH AND SENATORS GALLOT, MARTINY, MILLS, AND MORRELL

CRIMINAL/PROCEDURE: Revises provisions of law regarding expungement

1 AN ACT

To enact Title XXXIV of the Code of Criminal Procedure, to be comprised of Articles 971 through 993, and to repeal R.S. 44:9, relative to expungement; to provide for the effect of expunged records; to provide for definitions; to authorize the expungement of certain felony conviction records; to prohibit the dissemination of expunged records by third parties; to provide penalties for the unlawful dissemination of expunged records by third parties; to provide for legislative findings; to provide for applicability; to provide for procedures for obtaining an expungement; to provide for filing of motions to obtain an expungement; to provide for service of motions for expungement; to provide for service of judgments of expungement; to authorize the expungement of conviction records after a certain period of time has elapsed; to provide for eligibility to obtain an expungement; to delete provisions of law referring to destruction of arrest or conviction records; to provide for the assessment of certain fees for expungement; to provide that certain fees are nonrefundable; to provide for expungement by redaction of records; to provide for uniform forms for expungement; to provide for the exemption of certain fees in certain circumstances; to provide for a judgment granting an expungement; to provide for contradictory hearings; to prohibit incarcerated individuals from filing a motion to expunge an arrest or conviction record; and to provide for related matters.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

Be it enacted by the Legislature of Louisiana:

2 Section 1. Title XXXIV of the Code of Criminal Procedure, comprised of Articles

971 through 993, is hereby enacted to read as follows:

## Art. 971. Legislative findings

The legislature hereby finds and declares the following:

- (1) Louisiana law provides for the expungement of certain arrest and conviction records under limited circumstances. Obtaining an expungement of these records allows for the removal of a record from public access but does not result in the destruction of the record.
- (2) An expunged record is confidential, but remains available for use by law enforcement agencies, criminal justice agencies, and other statutorily defined agencies.
- (3) Following the passage of the Maritime Transportation Act of 2002, all individuals who wish to work at ports or on vessels regulated by this Act are required to obtain a Transportation Worker Identification Credential (TWIC). Obtaining a TWIC card requires a criminal history check and clearance which cannot be obtained without either a clean record or an expunged record with respect to certain offenses.
- (4) The inability to obtain an expungement can prevent certain individuals from obtaining gainful employment.
- (5) The need for employment must be balanced appropriately against the desire for public safety. Nothing in this Title shall be construed to limit or impair in any way the subsequent use of any expunged record of arrest or conviction in any lawful manner by law enforcement, law enforcement agencies, prosecutors, or judges, including its use as a predicate offense or for the provisions of the Habitual Offender Law.
- (6) It is the intention of the legislature that this Title will provide opportunities to break the cycle of criminal recidivism, increase public safety, and assist the growing population of criminal offenders reentering the community to establish a self-sustaining life through opportunities in employment.

1 (7) In balancing the legitimate needs of law enforcement agencies and the 2 desire to afford employment opportunities to all Louisiana citizens, the Louisiana 3 <u>Legislature enacts the provisions of this Title within the Code of Criminal Procedure.</u> 4 Art. 972. Definitions 5 As used in this Title: (1) "Expunge a record" means to remove a record of arrest or conviction, 6 7 photographs, fingerprints, disposition, or any other information of any kind from public access pursuant to the provisions of this Title. "Expunge a record" does not 8 9 mean destruction of the record. 10 (2) "Expungement by redaction" provides for the expungement of records 11 of a person who is arrested or convicted with other persons who are not entitled to 12 expungement and involves the removal of the name or any other identifying 13 information of the person entitled to the expungement and otherwise retains the 14 records of the incident as they relate to the other persons. 15 (3) "Records" includes any incident reports, photographs, fingerprints, 16 disposition, or any other such information of any kind in relation to a single arrest 17 event in the possession of the clerk of court, any criminal justice agency, and local 18 and state law enforcement agencies but shall not include DNA records. 19 Art. 973. Effect of expunged record of arrest or conviction 20 A. An expunged record of arrest or conviction shall be confidential and no 21 longer considered to be a public record and shall not be made available to any person 22 or other entity except for the following: 23 (1) To a member of a law enforcement or criminal justice agency or 24 prosecutor who shall request that information in writing, certifying that the request is for the purpose of investigating, prosecuting, or enforcing criminal law, for the 25 26 purpose of any other statutorily defined law enforcement or administrative duties, 27 or for the purposes of the requirements of sex offender registration and notification 28 pursuant to the provisions of R.S. 15:541 et seq.

(2) On order of a court of competent jurisdiction and after a contradictory

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2 hearing for good cause shown. 3 (3) To the person whose record has been expunged or his counsel. 4 (4) Upon written request therefor and on a confidential basis, the information 5 contained in an expunged record may be released to the following entities that shall maintain the confidentiality of such record: the Office of Financial Institutions, the 6 7 Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing, 8 the Louisiana State Board of Dentistry, the Louisiana State Board of Examiners of 9 Psychologists, the Louisiana Board of Pharmacy, the Louisiana State Board of Social 10 Work Examiners, the Emergency Medical Services Certification Commission, 11 Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, the 12 Louisiana Supreme Court Committee on Bar Admissions, the Louisiana Department 13 of Insurance, the Louisiana Licensed Professional Counselors Board of Examiners, 14 or any person or entity requesting a record of all criminal arrests and convictions 15 pursuant to R.S. 15:587.1, or as otherwise provided by statute. 16 B. Except as to those persons and other entities set forth in Paragraph A of 17 this Article, no person whose record of arrest or conviction has been expunged shall 18 be required to disclose to any person that he was arrested or convicted of the subject 19 offense, or that the record of the arrest or conviction has been expunged. 20 C. Nothing in this Article shall be construed to limit or impair in any way the 21 subsequent use of any expunged record of arrest or conviction by a law enforcement 22 agency, criminal justice agency, or prosecutor including its use as a predicate 23 offense, for purposes of the habitual offender law, or as otherwise authorized by law. 24 D. Nothing in this Article shall limit or impair the authority under law to 25 consider prior arrests or convictions that have been expunged in pursuing 26 prosecution under multiple offender provisions or impede the investigation of any 27 law enforcement official seeking to ascertain or confirm the qualifications of any 28 person for any privilege or license authorized by law.

1	E. Anyone who violates the provisions of this Article shall be subject to
2	contempt proceedings.
3	F. Nothing in this Article shall be construed to relieve a person who is
4	required to register and provide notice as a child predator or sex offender of any
5	obligations and responsibilities provided in R.S. 15:541 et seq.
6	Art. 974. Dissemination of expunged records by third parties; court order
7	A. A private third-party entity that compiles and disseminates criminal
8	history information for compensation shall not disseminate any information in its
9	possession regarding an arrest, conviction, or other disposition after it has received
10	notice of an issuance of a court order to expunge the record of any such arrest or
11	conviction. The notice shall be served by registered or certified mail with return
12	receipt requested and shall not require a certified or courtesy copy of the order and
13	judgment ordering the expungement of the record.
14	B. Unless a private third-party entity that compiles and disseminates criminal
15	history information is regulated by the Fair Credit Reporting Act (15 U.S.C. 1681 et
16	seq.) or the Gramm-Leach-Bliley Act (15 U.S.C. 6801-6809), it shall not disseminate
17	any criminal history information in its possession regarding an arrest, conviction, or
18	other disposition for which an order to expunge the record has been issued, after it
19	has received notice of an issuance of a court order to expunge a record of any arrest
20	or conviction.
21	C. A private third-party entity that disseminates criminal history information
22	in violation of this Article may be liable for any damages, court costs, and attorney
23	fees that are incurred by the person as a result of the violation who is the subject of
24	that information.
25	D. Whoever violates any provisions of this Article shall be punished by a
26	fine of not more than two hundred fifty dollars, imprisonment for not more than
27	ninety days, or both, if the conviction is for a first violation. Convictions for second
28	and subsequent violations shall be punished by a fine of not more than five hundred
29	dollars, imprisonment for not more than six months, or both.

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and Corrections; ineligible to file motion to expunge records
Notwithstanding any other provision of law to the contrary, a person in the
custody of the Department of Public Safety and Corrections, or incarcerated in any
correctional facility shall not be permitted to file a motion to expunge a record of an
arrest which did not result in a conviction or to expunge a record of an arrest and
conviction of a misdemeanor or felony offense.
Art. 976. Motion to expunge record of arrest that did not result in a conviction
A person may file a motion to expunge a record of his arrest for a felony or
misdemeanor offense that did not result in a conviction if any of the following apply:
(1) The person was not prosecuted for the offense for which he was arrested,
and the limitations on the institution of prosecution have barred the prosecution for
that offense.
(2) The district attorney for any reason declined to prosecute the offense for
which the person was arrested.
(3) Prosecution was instituted and such proceedings have been finally
disposed of by dismissal, sustaining of a motion to quash, or acquittal.
Art. 977. Motion to expunge a record of arrest and conviction of a misdemeanor
<u>offense</u>
A. 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 the prosecution was dismissed pursuant
to Code of Criminal Procedure Article 894(B).
(2) More than five years have elapsed since the person completed any
sentence, deferred adjudication, or period of probation or parole, the person has not
been convicted of any offense during the five-year period, and has no criminal
charge pending against him. The motion filed pursuant to this Subparagraph shall
include a certification obtained from the district attorney which verifies that, to his

Art. 975. Individuals incarcerated in the custody of the Department of Public Safety

knowledge, the applicant has no convictions during the five-year period and no

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2	pending charges under a bill of information or indictment.
3	B. The motion to expunge a record of arrest and conviction of a
4	misdemeanor offense shall be served pursuant to the provisions of Code of Criminal
5	Procedure Article 979.
6	C. No person shall be entitled to expungement of a record if the
7	misdemeanor conviction was for a sex offense as defined in R.S. 15:541 or for
8	domestic abuse battery which was not dismissed pursuant to Code of Criminal
9	Procedure Article 894(B).
10	D.(1) Expungement of a record of arrest and conviction of a misdemeanor
11	offense shall occur only once with respect to any person during a five-year period.
12	(2) Expungement of a record of arrest and conviction of a misdemeanor
13	offense of operating a vehicle while intoxicated shall occur only once with respect
14	to any person during a ten-year period.
15	Art. 978. Motion to expunge record of arrest and conviction of a felony offense
16	A. Except as provided in Paragraph B of this Article, a person may file a
17	motion to expunge his record of arrest and conviction of a felony offense if either of
18	the following apply:
19	(1) The conviction was set aside and the prosecution was dismissed pursuant
20	to Code of Criminal Procedure Article 893(E).
21	(2) More than ten years have elapsed since the person completed any
22	sentence, deferred adjudication, or period of probation or parole based on the felony
23	conviction, the person has not been convicted of any other criminal offense during
24	the ten-year period, and has no criminal charge pending against him. The motion
25	filed pursuant to this Subparagraph shall include a certification obtained from the
26	district attorney which verifies that, to his knowledge, the applicant has no
27	convictions during the ten-year period and no pending charges under a bill of
28	information or indictment.

1	B. No expungement shall be granted nor shall a person be permitted to file
2	a motion to expunge the record of arrest and conviction of a felony offense if the
3	person was convicted of the commission or attempted commission of any of the
4	following offenses unless otherwise permissible under Code of Criminal Procedure
5	Article 893(E):
6	(1) A crime of violence as defined by R.S. 14:2(B).
7	(2)(a) Notwithstanding the provisions of Code of Criminal Procedure Article
8	893, a sex offense or criminal offense against a victim who is a minor as defined by
9	R.S. 15:541 and any offense which occurred prior to June 18, 1992, that would be
10	defined as a sex offense or criminal offense against a victim who is a minor had it
11	occurred on or after June 18, 1992.
12	(b) Any person who was convicted of carnal knowledge of a juvenile (R.S.
13	14:80) prior to August 15, 2001, is eligible for an expungement pursuant to the
14	provisions of this Title if the offense for which the offender was convicted would be
15	defined as misdemeanor carnal knowledge of a juvenile (R.S. 14:80.1) had the
16	offender been convicted on or after August 15, 2001.
17	(3) A violation of the Uniform Controlled Dangerous Substances Law,
18	except that a conviction for possession of a controlled dangerous substance as
19	provided for in R.S. 40:966(C), 967(C), 968(C), or 969(C), or a conviction for
20	possession of a controlled dangerous substance with the intent to distribute may be
21	expunged pursuant to the provisions of this Title.
22	C. The motion to expunge a record of the record of arrest and conviction of
23	a felony offense shall be served pursuant to the provisions of Code of Criminal
24	Procedure Article 979.
25	D. Expungement of a record of arrest and conviction of a felony offense
26	shall occur only once with respect to any person during a fifteen-year period.
27	Art. 979. Service of motion to expunge a record
28	A. The clerk of court shall serve notice of the motion of expungement by
29	mail or electronic mail upon the following entities:

1	(1) The district attorney.
2	(2) The Louisiana Bureau of Criminal Identification and Information.
3	(3) The arresting law enforcement agency.
4	(4) The sheriff of the parish of conviction.
5	B. Motions to expunge records of convictions for driving while intoxicated
6	shall also require notice of filing and service of that motion upon the Department of
7	Public Safety and Corrections, office of motor vehicles, in addition to the entities
8	provided for in Paragraph A of this Article.
9	Art. 980. Contradictory hearing
10	A. Any entity named in Code of Criminal Procedure Article 979(A) that
11	receives notice of the motion may object to the granting of a motion to expunge a
12	record.
13	B.(1) Except as provided in Subparagraph (2) of this Paragraph, an objecting
14	party shall file an objection in the record with service to the defendant within thirty
15	days from the date of service of the motion and specifically state the grounds for the
16	objection.
17	(2) If the Louisiana Bureau of Criminal Identification and Information
18	objects to the granting of the motion to expunge a record, it shall file an objection in
19	the record with service to the defendant within sixty days from the date of the service
20	of the motion and specifically state the grounds for the objection.
21	C. The court may grant an extension of time to file an objection not to
22	exceed sixty days from the date of filing of the motion to expunge a record.
23	D. Any objection timely filed shall have a contradictory hearing.
24	E. The objecting agency must show by a preponderance of the evidence why
25	the motion of expungement should not be granted.
26	F. If no objection is filed by an agency listed under Article 979(A), the
27	defendant may waive the contradictory hearing, and the court shall grant the motion
28	to expunge the record if the court determines that the mover is entitled to the
29	expungement in accordance with law.

1	G. Any agency listed under Article 979(A) may expressly waive its time
2	period to object by filing a formal "No Opposition" into the record.
3	Art. 981. Judgment granting motion to expunge a record of arrest or conviction;
4	<u>execution</u>
5	A judgment ordering expungement of a record of arrest or of conviction of
6	a misdemeanor or felony offense shall be served as provided for in Code of Criminal
7	Procedure Article 982. The judgment shall not affect any persons or other entities
8	set forth in Code of Criminal Procedure Article 979(A) or 982(A) who have not been
9	served with the motion and judgment ordering the expungement of a record.
10	Art. 982. Service of order and judgment of expungement
11	A. The clerk of court shall serve the order and judgment of expungement of
12	a record upon all of the following entities:
13	(1) The district attorney.
14	(2) The Louisiana Bureau of Criminal Identification and Information.
15	(3) The Department of Public Safety and Corrections, corrections services.
16	(4) The sheriff of the parish of conviction.
17	(5) The arresting agency.
18	B. Motions to expunge convictions for driving while intoxicated shall require
19	notice of filing and service of the order and judgment of expungement upon the
20	Department of Public Safety and Corrections, office of motor vehicles.
21	Art. 983. Costs of expungement of a record; fees; collection; exemptions;
22	<u>disbursements</u>
23	A. Except as provided for in Code of Criminal Procedure Articles 894 and
24	984, the total cost to obtain a court order expunging a record shall not exceed five
25	hundred fifty dollars.
26	B. The nonrefundable processing fees for a court order expunging a record
27	shall be as follows:
28	(1) The Louisiana Bureau of Criminal Identification and Information may
29	charge a processing fee of two hundred fifty dollars for the expungement of any

1	record of arrest when ordered to do so by the court in compliance with the provisions
2	of this Title.
3	(2) The sheriff may charge a processing fee of fifty dollars for the
4	expungement of any record of arrest when ordered to do so by the court in
5	compliance with the provisions of this Title.
6	(3) The district attorney may charge a processing fee of fifty dollars for the
7	expungement of any record of arrest when ordered to do so by the court in
8	compliance with the provisions of this Title.
9	(4) The clerk of court may charge a processing fee not to exceed two
10	hundred dollars to cover the clerk's costs of the expungement.
11	C. The clerk of court shall collect all processing fees at the time the motion
12	for expungement is filed.
13	D.(1) The clerk shall immediately direct the collected processing fees as
14	<u>follows:</u>
15	(a) The clerk shall direct the collected processing fee provided for in
16	Subparagraph (B)(1) of this Article to the Louisiana Bureau of Criminal
17	Identification and Information, and the processing fee amount shall be deposited
18	immediately upon receipt into the Criminal Identification and Information Fund.
19	(b) The clerk shall direct the collected processing fees provided for in
20	Subparagraphs (B)(2) and (3) of this Article to the sheriff and the district attorney,
21	and the processing fee amount shall be remitted immediately upon receipt in equal
22	proportions to the office of the district attorney and the sheriff's general fund.
23	E. The processing fees provided for by this Article are nonrefundable and
24	shall not be returned even if the court does not grant the motion for expungement.
25	F. An applicant for the expungement of a record shall not be required to pay
26	any fee to the clerk of court, the Louisiana Bureau of Criminal Identification and
27	Information, sheriff, the district attorney, or any other agency to obtain or execute
28	an order of a court of competent jurisdiction to expunge the arrest from the
29	individual's arrest record if a certification obtained from the district attorney is

presented to the clerk of court which verifies that the applicant has no felony

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2	convictions and no pending felony charges under a bill of information or indictment
3	and at least one of the following applies:
4	(1) The applicant was acquitted, after trial, of all charges derived from the
5	arrest, including any lesser and included offense.
6	(2) The district attorney consents, and the case against the applicant was
7	dismissed or the district attorney declined to prosecute the case prior to the time
8	limitations prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure,
9	and the applicant did not participate in a pretrial diversion program.
10	(3) The applicant was arrested and was never prosecuted within the time
11	limitations prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure
12	and did not participate in a pretrial diversion program.
13	G. Notwithstanding any other provision of law to the contrary, a juvenile
14	who has successfully completed any juvenile drug court program operated by a court
15	of this state shall be exempt from payment of the processing fees otherwise
16	authorized by this Article.
17	Art. 984. Additional requirements for the expungement of records involving the
18	operation of a vehicle while intoxicated; additional fee
19	A. A person convicted of operating a vehicle while intoxicated shall be
20	required to supplement the motions required in this Title with proof in the form of
21	a certified letter from the Department of Public Safety and Corrections, office of
22	motor vehicles, that the requirements of this Article have been complied with shall
23	be attached to the motion to expunge the record of arrest and conviction for operating
24	a vehicle while intoxicated.
25	B. The court shall order the clerk of court to mail to the Department of
26	Public Safety and Corrections, office of motor vehicles, all of the following as
27	provided by the defendant:
28	(1) A certified copy of the record of the plea of guilty or nolo contendere.
29	(2) Fingerprints of the defendant.

1	(3) Proof of the requirements as set forth in Code of Criminal Procedure
2	Article 556 or 556.1 which shall include the defendant's date of birth, social security
3	number, and driver's license number.
4	C. An additional fifty dollar court cost shall be assessed at this time against
5	the defendant and paid to the Department of Public Safety and Corrections, office of
6	motor vehicles, for the costs of storage and retrieval of the records.
7	Art. 985. Expungement by redaction of records with references to multiple
8	<u>individuals</u>
9	A. If a record includes the name of more than one individual and one or
10	more of the individuals is entitled to an expungement of an arrest or conviction
11	pursuant to the provisions of this Title, any individual entitled to an expungement
12	may petition the court to have records related to the arrest or conviction of the
13	individual expunged by redaction.
14	B. If the court grants the expungement by redaction, the name of the
15	individual and all other identifying information regarding the individual granted the
16	expungement by redaction shall be redacted from all records regarding the arrest and
17	conviction. The redacted records shall be available for public access.
18	C. The clerk of court shall not be liable for any damages resulting to any
19	person or entity as a consequence of expunging or redacting or for the failure to
20	expunge or redact any record where the expungement order does not specifically
21	identify all locations of the records to be expunged or specify the information to be
22	redacted.
23	Art. 986. Forms for the expungement of records
24	A. Only the forms provided for in Articles 987, 988, 989, 990, 991, and 992
25	shall be used for filing motions to expunge a record of an arrest which did not result
26	in a conviction or for the expungement of a record of an arrest and conviction of a
27	misdemeanor or felony offense.
28	B. Supplemental forms may be added to any petition as long as they adhere
29	to the form provided for in Article 993.

1	Art. 987. Motion to set aside conviction and dismiss prosecution; rule to show
2	cause; order of dismissal forms to be used
3	" STATE OF LOUISIANA
4	JUDICIAL DISTRICT FOR THE PARISH OF
5	
6	No.:
7	State of Louisiana
8	vs.
9	
10	MOTION TO SET ASIDE CONVICTION AND
1	DISMISS PROSECUTION
12	NOW INTO HONORABLE COURT, comes
13	☐ Defendant, OR
14	☐ Defendant through undersigned Counsel,
15	who moves that the conviction pursuant to Louisiana Code of Criminal Procedure
16	□ 894(B) Misdemeanors, OR
17	□ 893(E) Felonies
18	in the above numbered case be set aside and the prosecution dismissed in accordance
19	with the Code of Criminal Procedure in that the period of the deferred sentence has
20	run without the petitioner having been arrested for any other felony offense.
21	The mover is further identified below:
22	DOCKET NUMBER:
23	CHARGE:
24	DATE OF ARREST:
25	ARRESTING AGENCY:
26	CITY/PARISH OF ARREST:

1	The Mover prays that, after a contradictory hearing with the District
2	Attorney's Office, the Court order the above numbered case be set aside and that the
3	prosecution dismissed in accordance with the Code of Criminal Procedure.
4	Respectfully submitted,
5	
6	Signature of Attorney for Mover/Defendant
7 8	Attorney for Mover/Defendant Name
9 10	Attorney's Bar Roll No.
11 12	Address
13	Tradition of the control of the cont
14	City, State, ZIP Code
15 16	Telephone Number
17	If not represented by counsel:
18 19	Signature of Mover/Defendant
20	Moyon/Defendent Neme
21	Mover/Defendant Name
22 23	Address
24 25	City, State, ZIP Code
	City, State, Zir Code
26 27	Telephone Number

		JUDIC		ATE OF LOISTRICT FO			F	
		-						
ľ	No.: _					1	Division: ''_	
				State of Lou	isiana			
				vs.				
			RU	LE TO SHO	W CAUSI	E		
		IT IS HER	EBY O	RDERED, th	at the Dist	rict Attorn	ey show cau	ise on
_		day of			, 20	, at	o'clock	m w
t	the for	regoing motio	n shoul	ld not be grant	ted.			
		THUS ORI	DERED	AND SIGN	E <b>D</b> this	day of _		
2	20	at		, Louisiana,				_·
				JUDGI				
I	PLEA	SE SERVE:						
1	1.	District Atto	orney: _					
2	2.	Attorney for	Defend	lant and/or Def	endant			

HB NO. 55

1 2 3	STATE OF LOUISIANA  JUDICIAL DISTRICT FOR THE PARISH OF
4	No.:
5	State of Louisiana
6	vs.
7	·
8	ORDER OF DISMISSAL
9	Considering the Motion to Set Aside Conviction and Dismiss Prosecution,
10	the hearing conducted on the representation of the State of Louisiana of its consent
11	hereto, and that there is no opposition for any good cause appearing herein;
12	IT IS ORDERED, ADJUDGED AND DECREED that this conviction is set
13	aside and the prosecution dismissed for purposes of expungement.
14	THUS ORDERED AND SIGNED this day of, 20
15	at, Louisiana, this day of, 20
16 17	JUDGE
18	PLEASE SERVE:
19	1. District Attorney:
20	2. Attorney for Defendant and/or Defendant"

Art.	988. Motion for fee	exemption form to	be used	
" STATE OF LOUISIANA JUDICIAL DISTRICT FOR THE PARISH OF				
No.:				Division: ""
		State of Louisia	na	
		vs.		
	CERTI	FICATION OF FE	EE WAIVER	
	1 2 3			attorney's Office prior t filing only if eligible.
DE	FENDANT NAME			
DA	TE OF BIRTH			
SSI	N#			
DA	TE OF ARREST			
DO	CKET NUMBER			
СН	ARGE			
the I	District Attorney ha eck all that apply. To rney's Office and ret	s reviewed the ava to be completed by a	ilable databases uthorized person s to defendant.):	
		AND		
		l above has NO PEN CTMENT OR INFO		CHARGES UNDER
		AND		
			-	r trial of all charges lesser and included
		OR		
	The arrestee listed above WAS NOT PROSECUTED WITHIN THE TIME LIMITATIONS prescribed in Chapter 1 of the Title XVII of the Code of Criminal Procedure for the arrest listed above.			
Inves	stigator Print Name			
	-			
				, 20 "

1	Art. 989. Motion for expungement forms to be used				
2 3 4	" STATE OF LOUISIANA JUDICIAL DISTRICT FOR THE PARISH OF				
5	No.: Division: ""				
6	State of Louisiana				
7	vs.				
8					
9	MOTION FOR EXPUNGEMENT				
10	NOW INTO COURT comes mover, who provides the court with the				
11	following information in connection with this request:				
12	I. DEFENDANT INFORMATION				
13 14	NAME:				
15	DOB:/(MM/DD/YYYY)				
16	GENDER FemaleMale				
17	SSN (last 4 digits): XXX-XX				
18	RACE:				
19	DRIVER LIC.#				
20	ARRESTING AGENCY:				
21	SID# (if available):				
22	ITEM NUMBER:				
23	ARREST NUMBER:				
24	Mover is entitled to expunge the record of his arrest/conviction pursuant to				
25	Louisiana Code of Criminal Procedure 971 et seq. and states the following in				
26	support:				
27	II. ARREST INFORMATION				
28	1. Mover was arrested on/(MM/DD/YYYY)				
29 30 31	2YESNO A supplemental sheet with arrests and/or convictions is attached after page 2 of this Motion.				

1	3. Mover v	was:					
2	,	YES.	NO Arrested.	, but it did no	t result i	n conviction	
3			<del></del>			to expunge a	a
4			misdeme		BUCKS	to enpunge t	•
5	\	YES		ed of and seek	s to expi	inge a felony	
					1	Z J	
6			oked and/or charged wit		_		
7			l and charged separate	ly. Attach a	supplem	ental sheet, if	f
8	necessar	ry.)					
9	Yes	No	ARRESTS THAT DID	NOT RESU	LT IN (	CONVICTIO	N
10	OFFENSE 1		La. Rev. Stat. Ann.		§	:	
11			Name of the offense				_
12			( ) Time expired for pr	osecution			_
13			. , 1		(MM	/DD/YYYY)	_
14			( ) Charge refused by I	OA -	`	,	
15			not prosecuted?				
16			( ) Pre-trial Diversion I	Program?			
17			( ) Charge dismissed	8			
18			( ) Found not guilty/juo	dgment of acc	uittal		
			( ) = 0 mass and governing mass		[		
19	<b>OFFENSE 2</b>		La. Rev. Stat. Ann.		8	<b>:</b>	
20			Name of the offense				-
21			( ) Time expired for pr	osecution			-
22			( ) Time empirem for pr	330000001	(MM	/DD/YYYY)	_
23			( ) Charge refused by I	DA -	(	,	
24			not prosecuted?				
25			( ) Pre-trial Diversion I	Program?			
26			( ) Charge dismissed	r rogram.			
<b>2</b> 7			( ) Found not guilty/juo	dgment of acq	uittal		
28	OFFENSE 3		La. Rev. Stat. Ann.		§	<b>:</b>	_
29			Name of the offense				_
30			( ) Time expired for pr	osecution			_
31					(MM	/DD/YYYY)	
32			() Charge refused by I	DA -			
33			not prosecuted?				
34			() Pre-trial Diversion l	Program?			
35			( ) Charge dismissed				
36			( ) Found not guilty/juo	dgment of acc	luittal		
37	Yes	No	MISDEMEANOR CO	NVICTIONS	S		
38	OFFENSE 1		La. Rev. Stat. Ann.		8	::	
39	OTTENSE I		Name of the offense		3	·	-
40			( ) Conviction set aside	e/dismissed	/	/	-
41			pursuant to C.Cr.P.		(MM/		-
42			( ) More than 5 years h		(141141)		
43			since completion of	-			
			•				
44	<b>OFFENSE 2</b>		La. Rev. Stat. Ann.		§	:	_
45			Name of the offense				_
46			( ) Conviction set aside		/	/	_
47			pursuant to C.Cr.P.	, ,	(MM/M)	DD/YYYY)	
48			() More than 5 years h	-			
49			since completion of	f sentence?			

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1	Yes	No	FELONY CONVICTIONS	
2 3 4 5 6	OFFENSE 1		La. Rev. Stat. Ann.  ( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E)  ( ) More than 10 years have passed since completion of sentence	
7 8 9 10	OFFENSE 2		La. Rev. Stat. Ann.  ( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E)  ( ) More than 10 years have passed since completion of sentence	
12 13	Yes	_ No	OPERATING A MOTOR VEHICLE WHILE INTOXICATED CONVICTIONS	
14	Mover has at	tached t	the following:	
15 16 17 18 19 20	( )	Corre clerk of the Art. 5	py of the proof from the Department of Public Safety and ctions, office of motor vehicles, that it has received from the of court a certified copy of the record of the plea, fingerprints defendant, and proof of the requirements set forth in C.Cr.P. 56, which shall include the defendant's date of birth, last four of social security number, and driver's license number	
21	5. Mover has	5. Mover has attached to this Motion the following pertinent documents:		
22 23			nal Background Check from the La. State Police/Parish Sheriff within the past 30 days (required).	
24		Bill(s	) of Information (if any).	
25		Minu	te entry showing final disposition of case (if any).	
26 27		Certif eligib	fication Letter from the District Attorney for fee waiver (if le).	
28	The M	Mover p	brays that a Rule to Show Cause be issued herein setting a	
29	contradictory	hearin	g with the arresting law enforcement agency, the District	
30	Attorney's Of	fice, an	d Louisiana Bureau of Criminal Identification and Information,	
31	why an order	should	not be granted expunging the record of arrest and/or conviction	
32	set forth abov	e, inclu	ding all photographs, fingerprints, disposition, or any other such	
33	information,	which r	record shall be confidential and no longer considered a public	
34	record, nor be	made a	available to other persons, except a prosecutor, member of a law	
35	enforcement	agency	, or a judge who may request such information in writing,	
36	certifying tha	it such	request is for the purpose of prosecuting, investigating, or	

1	enforcing the criminal law, or	enforcing the criminal law, or as an order of this Court to any other person for good			
2	cause shown, or as otherwise	cause shown, or as otherwise authorized by law.			
3	If an "Affidavit of No	If an "Affidavit of No Opposition" by each agency named herein is attached			
4	hereto and made a part hereo	f, Defendant requests that no contradictory hearing be			
5	required and the Motion be g	required and the Motion be granted ex parte.			
6		Respectfully submitted,			
7 8		Signature of Attorney for Mover/Defendant			
9 10		Attorney for Mover/Defendant Name			
11 12		Attorney's Bar Roll No.			
13 14		Address			
15 16		City, State, ZIP Code			
17 18		Telephone Number			
19		If not represented by counsel:			
20 21		Signature of Mover/Defendant			
22 23		Mover/Defendant Name			
24 25		Address			
26 27		City, State, ZIP Code			
28 29		Telephone Number "			

1	Art. 9	990. Affidavit of response	form to be used
2 3 4	"		OF LOUISIANA ICT FOR THE PARISH OF
5	No.:		Division: ""
6		Stat	e of Louisiana
7			vs.
8			
9		AFFIDAV	VIT OF RESPONSE
10		Pursuant to Louisiana Co	ode of Criminal Procedure Article 980, the District
11	Attor	ney for the Parish of	acknowledges the following:
12 13		<b>No Opposition.</b> Responsion contradictory hearing.	ondent respectfully consents to waiver of the
14 15		Opposition to the Mot respectfully requests a co	ion of Expungement with Reasons. Respondent ontradictory hearing.
16			OR
17		Pursuant to Louisiana Co	de of Criminal Procedure Article 980, the Louisiana
18	Burea	au of Criminal Identificatio	on and Information acknowledges the following:
19 20		<b>No Opposition.</b> Response contradictory hearing.	ondent respectfully consents to waiver of the
21 22		Opposition to the Mot respectfully requests a co	ion of Expungement with Reasons. Respondent ontradictory hearing.
23			Respectfully submitted,
24 25			Signature of Attorney
26 27			Attorney's Bar Roll No.
28 29			Address
30 31			City, State, ZIP Code
32 33			Telephone Number

1	PLEASE SERVE:			
2 3 4	<ol> <li>District Attorney:</li></ol>			
5	Art. 991. Rule to show cause form to	o be used		
6 7 8		LOUISIANA FOR THE PARISH OF		
9	No.:	<b>Division:</b> ""		
10	State of	Louisiana		
11	•	vs.		
12				
13	RULE TO S	HOW CAUSE		
14	IT IS HEREBY ORDERED,			
15	☐ That the District Attorney	and the Louisiana Bureau of Criminal		
16	Identification and Informat	ion show cause on the day of		
17	,	20, ato'clockm why the		
18	foregoing motion should not	be granted.		
19	□ NO CONTRADICTORY	<b>HEARING SHALL BE REQUIRED</b> as		
20	evidenced by the "Affidavit	of No Opposition" executed by each agency		
21	named herein and attached to	the Motion for Expungement.		
22	THUS ORDERED AND SI	<b>GNED</b> this day of,		
23	20, Louisi	ana,		
24 25	<b></b>	DGE		
26	PLEASE SERVE:			
27 28 29 30	2. Louisiana Bureau of Crimina	l Identification and Information office of motor vehicles (DWI ONLY) r Defendant		

1	<u>Art. 9</u>	92. Or	der of e	expungement form to be used
2 3 4	"	J	UDICI -	STATE OF LOUISIANA TAL DISTRICT FOR THE PARISH OF
5	No.: _			<b>Division:</b> ""
6				State of Louisiana
7				vs.
8				
9	ORDE	CR OF	EXPU	NGEMENT OF ARREST/CONVICTION RECORD
10	Consi	dering	the Mot	tion for Expungement
1		the he	earing c	onducted and evidence adduced herein, OR
12		Affid	avits of	No Opposition filed,
13	IT IS	ORDE	RED, A	DJUDGED AND DECREED
14		THE	MOTIC	ON IS DENIED for the following reasons (check all that apply):
15 16				than five years have not elapsed since Mover completed the emeanor conviction sentence.
17 18				than ten years have not elapsed since Mover completed the y conviction sentence.
19 20			Move offen	er was convicted of one of the following ineligible felony ses:
21				Distribution of a controlled dangerous substance.
22 23 24 25				An offense currently listed as a sex offense that requires registration pursuant to La. Rev. Stat. Ann. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.
26 27				An offense defined as a "crime of violence" pursuant to La. Rev. Stat. Ann. 14:2(B) at the time the Motion was filed.
28 29 80 81			opera from	arrest and conviction being sought to have expunged is for a ting a motor vehicle while intoxicated and a copy of the proof the Department of Public Safety and Corrections, office of r vehicles, is not attached as required by C.Cr.P. Art. 984(A).
32 33				er has had another record of misdemeanor conviction expunged g the previous five-year period.
34 35 36 37			expui Move	record of arrest and conviction which Mover seeks to have nged is for operating a motor vehicle while intoxicated and er has had another record of arrest and misdemeanor conviction nged during the previous ten-year period.

1 2	☐ Mover has had another record of felony conviction expunged during the previous fifteen-year period.
3	☐ THE MOTION IS HEREBY GRANTED and all agencies are
4	ordered to expunge the record of arrest/conviction and any photographs, fingerprints,
5	or any other such information of any kind maintained in connection with the
6	Arrest(s)/Conviction(s) in the above-captioned matter, which record shall be
7	confidential and no longer considered a public record, nor be available to other
8	persons except a prosecutor, member of a law enforcement agency, or a judge who
9	may request such information in writing certifying that such request is for the
10	purpose of prosecuting, investigating, or enforcing the criminal law, or upon an order
1	of this Court to any other person for good cause shown, or as otherwise authorized
12	by law.
13	NAME:
14	(Last, First, MI)
15	DOB:/(MM/DD/YY)
16	GENDER: Female Male
17	SSN (last 4 digits): XXX-XX
18	RACE:
19	DRIVER LIC.#
20	ARRESTING AGENCY:
21	SID# (if available):
22	ITEM NUMBER:
23	ARREST NUMBER:
24	ARREST DATE:/(MM/DD/YY)
25	THUS ORDERED AND SIGNED this day of, 20
26	at, Louisiana, this day of, 20
27 28	JUDGE
29	PLEASE SERVE:
30 31 32	<ol> <li>District Attorney:</li> <li>Arresting Agency:</li> <li>Local Police (if not arresting agency):</li> </ol>

1 2	<ul><li>4. Parish Sherit</li><li>5. Louisiana Bu</li></ul>	n: ureau of Criminal Identification and In	nformation			
3	6. (If DWI) De	partment of Public Safety, office of m	otor vehicles			
4		Defendant (if any):				
5	8. Defendant: _	8. Defendant:				
6	Art. 993. Suppleme	ntal forms to be used				
7	"	SUPPLEMENTAL SHEET				
8	Yes No	ARRESTS THAT DID NOT RES	SULT IN CONVICTION			
9	OFFENSE	La. Rev. Stat. Ann.	§:			
0		Name of the offense				
1		( ) Time expired for prosecution				
2			(MM/DD/YYYY)			
3		( ) Charge refused by DA - not pro	osecuted?			
1		( ) Pre-trial Diversion Program?				
		( ) Charge dismissed				
<u>,                                    </u>		( ) Found not guilty/judgment of a	acquittal			
3	<b>OFFENSE</b>	La. Rev. Stat. Ann.	§:			
		Name of the offense				
		( ) Time expired for prosecution				
			(MM/DD/YYYY)			
		( ) Charge refused by DA - not pro	osecuted?			
		( ) Pre-trial Diversion Program?				
		( ) Charge dismissed				
		( ) Found not guilty/judgment of a	acquittal			
	OFFENSE	La. Rev. Stat. Ann.	§:			
		Name of the offense				
		( ) Time expired for prosecution	//			
			(MM/DD/YYYY)			
		( ) Charge refused by DA - not pro	osecuted?			
		( ) Pre-trial Diversion Program?				
		( ) Charge dismissed				
		( ) Found not guilty/judgment of a	acquittal			
	OFFENSE	La. Rev. Stat. Ann.	§:			
		Name of the offense				
		( ) Time expired for prosecution	/			
			(MM/DD/YYYY)			
		( ) Charge refused by DA - not pro	osecuted?			
		( ) Pre-trial Diversion Program?				
		( ) Charge dismissed				
		( ) Found not guilty/judgment of a	acquittal			
	OFFENSE	La. Rev. Stat. Ann.	§:			
		Name of the offense				
		( ) Time expired for prosecution	/			
			(MM/DD/YYYY)			
		( ) Charge refused by DA - not pro	osecuted?			
		( ) Pre-trial Diversion Program?				
		( ) Charge dismissed				
		( ) Found not guilty/judgment of a	equittal			

1 2 3 4 5 6 7 8	OFFENSE	La. Rev. Stat. Ann. Name of the offense ( ) Time expired for prosecution  ( ) Charge refused by DA - not prosecution Program? ( ) Pre-trial Diversion Program? ( ) Charge dismissed ( ) Found not guilty/judgment of actions.	
10	Yes No		<b>S</b>
11 12 13 14 15 16	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B)</li> <li>( ) More than 5 years have passed since completion of sentence?</li> </ul>	§: (MM/DD/YYYY)
17 18 19 20 21 22	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B)</li> <li>( ) More than 5 years have passed since completion of sentence?</li> </ul>	§: (MM/DD/YYYY)
23 24 25 26 27 28	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B)</li> <li>( ) More than 5 years have passed since completion of sentence?</li> </ul>	§: 
29 30 31 32 33 34	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B)</li> <li>( ) More than 5 years have passed since completion of sentence?</li> </ul>	§: 
35 36 37 38 39 40	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B)</li> <li>( ) More than 5 years have passed since completion of sentence?</li> </ul>	§: (MM/DD/YYYY)
41 42 43 44 45 46	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B)</li> <li>( ) More than 5 years have passed since completion of sentence?</li> </ul>	§: 

1 2 3 4 5 6	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B)</li> <li>( ) More than 5 years have passed since completion of sentence?</li> </ul>	§: (MM/DD/YYYY)
7 8 9 10 11 12	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B)</li> <li>( ) More than 5 years have passed since completion of sentence?</li> </ul>	§: (MM/DD/YYYY)
13 14 15 16 17 18	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B)</li> <li>( ) More than 5 years have passed since completion of sentence?</li> </ul>	§: (MM/DD/YYYY)
19		SUPPLEMENTAL SHEET	
20	Yes No	FELONY CONVICTIONS	
21 22 23 24 25 26	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E)</li> <li>( ) More than 10 years have passed since completion of sentence</li> </ul>	§: (MM/DD/YYYY)
27 28 29 30 31 32	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E)</li> <li>( ) More than 10 years have passed since completion of sentence</li> </ul>	§: (MM/DD/YYYY)
33 34 35 36 37 38	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E)</li> <li>( ) More than 10 years have passed since completion of sentence</li> </ul>	§: / (MM/DD/YYYY)
39 40 41 42 43 44	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E)</li> <li>( ) More than 10 years have passed since completion of sentence</li> </ul>	§: (MM/DD/YYYY)
45 46 47 48 49 50	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E)</li> <li>( ) More than 10 years have passed since completion of sentence</li> </ul>	§: (MM/DD/YYYY)

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ORIGINAL

HB NO. 55

1 2 3 4 5 6	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E)</li> <li>( ) More than 10 years have passed since completion of sentence</li> </ul>	§: 	
7 8 9 10 11	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E)</li> <li>( ) More than 10 years have passed since completion of sentence</li> </ul>	§: (MM/DD/YYYY)	
13 14 15 16 17	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E)</li> <li>( ) More than 10 years have passed since completion of sentence</li> </ul>	§: (MM/DD/YYYY)	
19 20 21 22 23 24	OFFENSE	<ul> <li>La. Rev. Stat. Ann.</li> <li>Name of the offense</li> <li>( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E)</li> <li>( ) More than 10 years have passed since completion of sentence</li> </ul>	§: 	
25	Section 2. R.S. 44:9 is hereby repealed in its entirety.			
26	Section 3. If any provision of this Act or the application thereof is held invalid, such			
27	invalidity shall not affect other provisions or applications of this Act which can be given			
28	effect without the invalid provisions or applications, and to this end, the provisions of this			
29	Act are hereby declared severable.			
30	Section 4. The Lo	puisiana State Law Institute is hereby	directed to delete any	
31	references to R.S. 44:9 in Louisiana law and to make any necessary changes to Louisiana			
32	law to reflect the provision	s of this Act.		

## **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)]

Lopinto HB No. 55

**Abstract:** Rewrites the provisions of expungement law.

<u>Present law</u> provides for the expungement of records of arrest and misdemeanor convictions in certain circumstances.

<u>Present law</u> provides for the confidentiality of expunged records and authorizes access to those records by law enforcement, criminal justice agencies, and statutorily defined entities.

Proposed law retains present law.

<u>Proposed law provides for a comprehensive revision to present law provisions, including the following major changes:</u>

- (1) Moves expungement provisions of law <u>from</u> provisions regarding public records <u>to</u> the Code of Criminal Procedure.
- (2) Provides for statutorily defined forms to be used in motions for expungement and judgments of expungement.
- (3) Prohibits the unauthorized dissemination of expunged records by third parties and provides penalties for the unauthorized dissemination of expunged record information.
- (4) Provides for a five-year cleansing period without conviction to obtain an expungement for a misdemeanor conviction.
- (5) Provides for a ten-year cleansing period without conviction to obtain an expungement for a felony conviction.
- (6) Deletes provisions of <u>present law</u> authorizing the destruction of criminal records.
- (7) Provides for a limitation on the number of expungements a person may obtain.
- (8) Provides eligibility criteria to obtain an expungement.
- (9) Prohibits the expungement of crimes of violence, sex offenses, and most controlled dangerous substances violations.
- (10) Allows the expungement of a conviction for possession of a controlled dangerous substance or the possession with intent to distribute a controlled dangerous substance.
- (11) Authorizes the district attorney or the bureau to request a contradictory hearing on a motion to expunge and provides for time periods for raising objections.
- (12) Provides for an expungement by redaction of certain identifying information in the records of a person who is arrested or convicted with other offenders who are not entitled to an expungement. Provides that expungement by redaction is the removal of the name or any other identifying information of the person entitled to the expungement but otherwise retains the records of the incident as they relate to the other defendants.

<u>Present law</u> provides for the following fees for expungement:

- (1) The La. Bureau of Criminal Identification and Information may charge \$250.
- (2) The sheriff may charge \$50.
- (3) The district attorney may charge \$50.

Present law authorizes the clerk of court to charge an administrative fee of up to \$200.

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<u>Proposed law</u> retains <u>present law</u> and makes the fees nonrefundable.

(Adds C.Cr.P. Arts. 971-993; Repeals R.S. 44:9)