HLS 14RS-563 ORIGINAL

Regular Session, 2014

HOUSE BILL NO. 526

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BY REPRESENTATIVE NORTON

CRIMINAL/PROCEDURE: Provides with respect to the exemption of fees for certain expungement cases

AN ACT

2 To enact R.S. 44:9(K)(4), relative to expungement of arrest records in misdemeanor and 3 felony cases; to provide for an exemption of fees in certain expungement cases; and 4 to provide for related matters. 5 Be it enacted by the Legislature of Louisiana: Section 1. R.S. 44:9(K)(4) is hereby enacted to read as follows: 6 7 §9. Records of violations of municipal ordinances and of state statutes classified as 8 a misdemeanor or felony 9 10 K. The following applicants for expungement shall not be required to pay 11 any fee to the clerk of court, the Bureau of Criminal Identification and Information, 12 sheriff, the district attorney, or any other agency to obtain or execute an order of a 13 court of competent jurisdiction to expunge the arrest from the individual's arrest 14 record if a certification obtained from the district attorney is presented to the clerk 15 of court which verifies that the applicant has no felony convictions and no pending 16 felony charges under a bill of information or indictment and at least one of the 17 following applies: 18

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1 (4) The applicant has been determined to be factually innocent and entitled
2 to compensation for a wrongful conviction pursuant to the provisions of R.S.
3 15:572.8.
4 * * *

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)]

Norton HB No. 526

Abstract: Exempts the payment of fees in certain cases of factual innocense for the expungement of arrest records.

<u>Present law</u> provides that an applicant for expungement does not have to pay any fees for the expungement if a certification obtained from the district attorney is presented to the clerk of court which verifies that the applicant has no felony convictions and no pending felony charges under a bill of information or indictment and at least one of the following applies:

- (1) The applicant was acquitted, after trial, of all charges derived from the arrest, including any lesser and included offense.
- (2) The district attorney consents, and the case against the applicant was dismissed or the district attorney declined to prosecute the case prior to the time limitations provided for in <u>present law</u>, and the applicant did not participate in a pretrial diversion program.
- (3) The applicant was arrested and was never prosecuted within the time limitations provided for in <u>present law</u> and did not participate in a pretrial diversion program.

<u>Proposed law</u> retains the provisions of <u>present law</u> and adds an additional circumstance for the exemption of expungement fees when the applicant has been determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to <u>present law</u>.

(Adds R.S. 44:9(K)(4))