SENATE COMMITTEE AMENDMENTS

2015 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Engrossed House Bill No. 837 by Representative Price

1	AMENDMENT NO. 1					
2	On page 1, at the end of line 2, insert a comma ","					
3	AMENDMENT NO. 2					
4	On page 1, at the beginning of line 3, delete "and"					
5	AMENDMENT NO. 3					
6	On page 1, line 3, after "(B)(1)" and before "and to" insert a comma "," and insert "and 989"					
7	AMENDMENT NO. 4					
8 9	On page 1, line 6, after "period;" and before "and" insert "to provide for expungement forms regarding factual innocence;"					
10	AMENDMENT NO. 5					
11	On page 1, at the end of line 9, delete "and" and insert a comma ","					
12	AMENDMENT NO. 6					
13 14	On page 1, line 10, after "978(A)(introductory paragraph)" and before "(B)(1)" delete "and" and insert a comma "," and after "(B)(1)" and before "are" insert "and 989"					
15	AMENDMENT NO. 7					
16	On page 3, after line 12, insert the following:					
17	"* * *					
18	Art. 989. Motion for expungement forms to be used					
19 20 21	STATE OF LOUISIANA JUDICIAL DISTRICT FOR THE PARISH OF					
22	No.: Division: ""					
23	State of Louisiana					
24 25	vs.					
23						
26	MOTION FOR EXPUNGEMENT					
27	NOW INTO COURT comes mover, who provides the court with the					
28	following information in connection with this request:					
29	I. DEFENDANT INFORMATION					
30	NAME:					
31	(Last, First, MI)					
32	DOB: //(MM/DD/YYYY)					
33 34	GENDER Female Male SSN (lost 4 digits): YYY YY					
35	SSN (last 4 digits): XXX-XX RACE:					
36	DRIVER LIC.#					
- 0						

1	ARREST	'ING AGE	NCY:			
2	SID# (if available):					
3	ARREST NUMBER:					
4	Mover is entitled to expunge the record of his arrest/conviction pursuant to					
5	Louisiana Code of Criminal Procedure Article 971 et seq. and states the following					
6 in support:						
7	II. A	RREST IN	NFORMATIC	ON		
8	1. M	lover was a	irrested on	/((MM/DD/YYYY)	
9	2.	YES	NO	A supplemental sh	neet with arrests and/or	
10					ned after page 2 of this	
11				Motion.	1 6	
12	3. M	lover was:				
13		YES	NO	Arrested but it did no	ot result in conviction	
14	_	YES T	NO NO	-	d seeks to expunge a	
15		125_		misdemeanor	a seeks to expanse a	
16		YES	NO		ks to expunge a felony	
17	_	YES -			ermined to be factually	
18		125_		•	d to compensation for a	
19				wrongful conviction		
20				provisions of R.S. 15		
21 22 23 24	 Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. Attach a supplemental sheet, if necessary.) Yes No ARRESTS THAT DID NOT RESULT IN CONVICTION 					
24	r es	No	ARRESIS	THAT DID NOT KES	ULI IN CONVICTION	
25	ITEM N	0.1	La. Rev. Sta		§:	
26			Name of the			
27			() Time ex	xpired for prosecution		
28					(MM/DD/YYYY)	
29			` '	secuted for any offense		
30			_	out of this charge.		
31			, ,	l Diversion Program.		
32				e-Trial Diversion Progra		
33			-	ears have elapsed since t	the	
34			date of			
35			() Charge			
36			() Found 1	not guilty/judgment of ac	equittal	
37	ITEM N	O. 2	La. Rev. Sta	at. Ann.	§:	
38			Name of the	e offense		
39			() Time ex	xpired for prosecution		
40					(MM/DD/YYYY)	
41				secuted for any		
42				arising out of this charg	e.	
43				l Diversion Program.		
44			() Charge			
45		_		not guilty/judgment of ac		
46	ITEM N	0.3	La. Rev. Sta		§:	
47			Name of the			
48			() Time ex	xpired for prosecution		
49					(MM/DD/YYYY)	
50			` '	secuted for any offense		
51				out of this charge.		
52			, ,	l Diversion Program.		
53			() Charge			
54			() Found r	not guilty/judgment of ac	equittal	

1	res r	10 MISDEMILANOR CONVICTIONS		
2 3 4 5 6 7	ITEM NO. 1	La. Rev. Stat. Ann. Name of the offense () Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B) () More than 5 years have passed since completion of sentence.		
8 9 10 11 12 13	ITEM NO. 2	La. Rev. Stat. Ann. Name of the offense () Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B) () More than 5 years have passed since completion of sentence.		
14	Yes N	No FELONY CONVICTIONS		
15 16 17 18 19	ITEM NO. 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		
20 21 22 23 24	ITEM NO. 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		
25 26	Yes N	o OPERATING A MOTOR VEHICLE WHILE INTOXICATED CONVICTIONS		
27	Mover has attache	ed the following:		
28 29 30 31 32 33	Co cle of Ar	copy of the proof from the Department of Public Safety and prrections, office of motor vehicles, that it has received from the erk of court a certified copy of the record of the plea, fingerprints the defendant, and proof of the requirements set forth in C.Cr.P. t. 556, which shall include the defendant's date of birth, last four gits of social security number, and driver's license number		
34	5. Mover has attached to this Motion the following pertinent documents:			
35 36		iminal Background Check from the La. State Police/Parish Sheriff ted within the past 30 days (required).		
37	□ Bi	ll(s) of Information (if any).		
38	□ M:	inute entry showing final disposition of case (if any).		
39 40		ertification Letter from the District Attorney for fee waiver (if gible).		
41 42 43	ap	ertification Letter from the District Attorney verifying that the plicant has no convictions or pending applicable criminal charges the requisite time periods.		
44 45		ertification Letter from the District Attorney verifying that the arges were refused.		

1 2		Certification Letter from the District Attorney verifying that the applicant did not participate in a pretrial diversion program.		
3 4		A copy of the order waiving the sex offender registration and notification requirements.		
5 6 7 8		A copy of the court order determination of factual innocence and order of compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8 if applicable.		
9	The M	lover prays that if there is no objection timely filed by the arresting law		
10	enforcement	agency, the district attorney's office, or the Louisiana Bureau of		
11	Criminal Investigation and Information, that an order be issued herein ordering th			
12	expungement of the record of arrest and/or conviction set forth above, including al			
13	photographs, fingerprints, disposition, or any other such information, which record			
14	shall be confidential and no longer considered a public record, nor be made available			
15	to other persons, except a prosecutor, member of a law enforcement agency, or a			
16	judge who may request such information in writing, certifying that such request is			
17	for the purpose of prosecuting, investigating, or enforcing the criminal law, for the			
18	purpose of any other statutorily defined law enforcement or administrative duties,			
19	or for the purpose of the requirements of sex offender registration and notification			
20	pursuant to the provisions of R.S. 15:541 et seq. or as an order of this Court to any			
21	other person for good cause shown, or as otherwise authorized by law.			
22	If an "	Affidavit of No Opposition" by each agency named herein is attached		
23	hereto and ma	ade a part hereof, Defendant requests that no contradictory hearing be		
24	required and	the Motion be granted ex parte.		
25		Respectfully submitted,		
26 27 28	Mover/Defendant	Signature of Attorney for		
29 30		Attorney for Mover/Defendant Name		
31 32		Attorney's Bar Roll No.		
33 34 35		Address		
36 37		City, State, ZIP Code		
38				

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1	Telephone Number
2	If not represented by counsel:
3	
4	Signature of Mover/Defendant
5	
6	Mover/Defendant Name
7	
8	Address
9	
10	
11	City, State, ZIP Code
12	
13	Telephone Number "