HOUSE SUMMARY OF SENATE AMENDMENTS

HB 837 2015 Regular Session Price

CRIMINAL/RECORDS: Provides with respect to expungement

Synopsis of Senate Amendments

1. Amend expungement form provisions to make them consistent with <u>proposed</u> <u>law</u> by adding "factual innocence" as a ground for expungement to motion for expungement form.

Digest of Bill as Finally Passed by Senate

<u>Present law</u> provides for the expungement of misdemeanor arrest and conviction records if either of the following occur:

- (1) The conviction and prosecution dismissed.
- (2) Five years have elapsed since the completion of sentence, probation, or deferred sentence and the applicant has not been convicted of any felony offenses during the five-year period.

<u>Proposed law</u> retains <u>present law</u> and adds an additional criteria if the person was determined to be factually innocent and entitled to compensation for a wrongful conviction.

<u>Present law</u> provides for the expungement of felony arrest and conviction records if either of the following occur:

- (1) The conviction and prosecution dismissed.
- (2) 10 years have elapsed since the completion of sentence, probation, or deferred sentence and the applicant has not been convicted of any offenses during the 10-year period.

<u>Proposed law</u> retains <u>present law</u> and adds an additional criteria if the person was determined to be factually innocent and entitled to compensation for a wrongful conviction.

<u>Present law</u> provides for the expungement of certain misdemeanor and felony arrest and conviction records, but prohibits an expungement of a conviction for a crime of violence.

<u>Proposed law</u> changes <u>present law</u> to allow for the expungement of aggravated battery, second degree battery, aggravated assault, aggravated criminal damage to property, simple robbery, purse snatching, and illegal use of weapons or dangerous instrumentalities if more than 10 years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole based on the felony conviction, and the person has not been convicted of any other criminal offense during the 10-year period, has no criminal charge pending against him, and has been employed for a period of 10 consecutive years.

Present law provides a form for a motion for expungement.

<u>Proposed law</u> adds "factual innocence" as a ground for expungement to the motion for expungement form.

Proposed law otherwise retains present law.

(Amends C.Cr.P. Arts. 977(A)(intro. para.), 978(A)(intro. para.) and (B)(1), and 989; Adds C.Cr.P. Arts. 977(A)(3) and 978(A)(3) and (E))