
DIGEST

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HB 196 Original

2018 Regular Session

Marino

Abstract: Removes the limitation on the number of expungements a person may receive over a certain period of time for persons whose convictions were set aside and the prosecution dismissed.

Present law authorizes a person to file a motion to expunge his record of arrest and conviction of certain felony offenses if either of the following apply:

- (1) The conviction was set aside and the prosecution was dismissed pursuant to present law (C.Cr.P. Art. 893).
- (2) More than ten 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 ten-year period, and has no criminal charge pending against him.

Present law provides that the expungement of a record of arrest and conviction of a felony offense shall occur only once with respect to any person during a 15-year period.

Proposed law amends present law to provide that this limitation on the number of expungements a person may receive during a 15-year period does not apply to persons who seek the expungement of a record of arrest and conviction for a conviction that was set aside and the prosecution dismissed pursuant to present law.

(Amends C.Cr.P. Art. 978(D))