SLS 18RS-475 ENGROSSED

2018 Regular Session

1

SENATE CONCURRENT RESOLUTION NO. 6

BY SENATOR MORRELL

CRIMINAL RECORDS. Directs the Louisiana State Law Institute to study and make recommendations relative to expungement fees.

A CONCURRENT RESOLUTION

2 To urge and request the Louisiana State Law Institute to study and make recommendations 3 relative to fees for the expungement of arrest and conviction records. 4 WHEREAS, Louisiana law provides for the expungement of certain arrest and 5 conviction records under limited circumstances; and 6 WHEREAS, the provisions of law regarding expungement have been revised over the years with the goal of simplifying, consolidating, and clarifying expungement 7 8 procedures; and 9 WHEREAS, Louisiana law provides for the mandatory expungement of certain 10 records when the defendant was arrested and not convicted, the district attorney declines to 11 prosecute, or the time limitations for the institution of prosecution have expired, without cost to the defendant: and 12 13 WHEREAS, expungement of other records of arrest and conviction not falling into 14 any of these categories requires the defendant to pay certain nonrefundable fees to the Louisiana Bureau of Criminal Identification, the sheriff of the parish in which the arrest was 15 16 made, the district attorney of the parish in which the conviction was obtained, and the clerk of court; and 17 18 WHEREAS, while the maximum amounts of these fees is set by law, the actual

SLS 18RS-475

ENGROSSED
SCR NO. 6

amounts charged by the named entities and the methods of collection can vary from parish to parish, creating a level of uncertainty in present law for those persons seeking to have certain records of arrest or conviction expunged; and

WHEREAS, a study of the necessity and fairness of the amounts of the fees that may be charged for an expungement should be made, and a uniform and streamlined procedure for the payment and collection of these fees should be developed.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and make recommendations for the revision of laws regarding expungement fees.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute work in conjunction with the Louisiana District Attorneys Association, the Louisiana Public Defender Board, the Louisiana Sheriffs' Association, the Louisiana State Police, the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice, the Louisiana Clerks of Court Association, and any other agencies or associations deemed appropriate by the committee regarding this study.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute report its findings and recommendations to the Legislature of Louisiana on or before February 1, 2019.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST 2018 Regular Session

Morrell

SCR 6 Engrossed

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

Urges and requests the La. State Law Institute to study the laws relative to expungement fees, make recommendations relative to the amount of these fees and how they are to be paid and collected, and report its findings to the legislature on or before 2/1/19.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to original bill

1. Changes the resolution <u>from</u> "authorize and direct" <u>to</u> "urge and request".