
HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to
Original House Bill No. 377 by Representative Hazel

1 AMENDMENT NO. 1

2 On page 1, line 2, change "989" to "989, 992, 993,"

3 AMENDMENT NO. 24 On page 1, line 3, after "forms;" and before "to" insert "to make technical changes to the
5 forms;"6 AMENDMENT NO. 3

7 On page 1, line 7, change "989 and" to "989, 992, 993, and"

8 AMENDMENT NO. 49 On page 2, line 10, change "NUMBER:" to "NUMBER (ATN):"10 AMENDMENT NO. 511 On page 2, between lines 10 and 11, insert "AGENCY ITEM NO. _____"12 AMENDMENT NO. 6

13 On page 3, at the beginning of line 2, delete "ITEM"

14 AMENDMENT NO. 7

15 On page 3, at the beginning of line 14, delete "ITEM"

16 AMENDMENT NO. 8

17 On page 3, at the beginning of line 23, delete "ITEM"

18 AMENDMENT NO. 9

19 On page 4, at the beginning of line 4, delete "ITEM"

20 AMENDMENT NO. 10

21 On page 4, at the beginning of line 10, delete "ITEM"

22 AMENDMENT NO. 1123 On page 4, line 17, change "ITEM" to "OFFENSE"24 AMENDMENT NO. 12

25 On page 4, at the beginning of line 22, delete "ITEM"

26 AMENDMENT NO. 13

27 On page 7, between lines 7 and 8, insert the following:

1 "Art. 992. Order of expungement form to be used

2 **STATE OF LOUISIANA**

3 **JUDICIAL DISTRICT FOR THE PARISH OF**

4 _____

5 **No.:** _____

Division: " _____ "

6 **State of Louisiana**

7 **vs.**

8 _____

9 **ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD**

10 Considering the Motion for Expungement

11 The hearing conducted and evidence adduced herein, OR

12 Affidavits of No Opposition filed,

13 **IT IS ORDERED, ADJUDGED AND DECREED**

14 **THE MOTION IS DENIED** for ~~Item(s) No.~~ No(s). _____, , , , _____ the

15 following reasons (check all that apply):

16 More than five years have not elapsed since Mover completed the
17 misdemeanor conviction sentence.

18 More than ten years have not elapsed since Mover completed the felony
19 conviction sentence.

20 Mover was convicted of one of the following ineligible felony
21 offenses:

22 A violation of the Uniform Controlled Dangerous Substances
23 Law which is ineligible to be expunged.

24 An offense currently listed as a sex offense that requires
25 registration pursuant to La. Rev. Stat. Ann. 15:540 et seq., at
26 the time the Motion was filed, regardless of whether the duty
27 to register was ever imposed.

28 An offense defined or enumerated as a "crime of violence"
29 pursuant to La. Rev. Stat. Ann. 14:2(B) at the time the
30 Motion was filed.

- 1 The arrest and conviction being sought to have expunged is for
2 operating a motor vehicle while intoxicated and a copy of the proof
3 from the Department of Public Safety and Corrections, office of
4 motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).
- 5 Mover has had another record of misdemeanor conviction expunged
6 during the previous five-year period.
- 7 The record of arrest and conviction which Mover seeks to have
8 expunged is for operating a motor vehicle while intoxicated and
9 Mover has had another record of arrest and misdemeanor conviction
10 expunged during the previous ten-year period.
- 11 Mover has had another record of felony conviction expunged during
12 the previous fifteen-year period.
- 13 Mover was convicted of a misdemeanor which arose from
14 circumstances involving a sex offense as defined in R.S. 15:541.
- 15 Mover was convicted of misdemeanor offense of domestic abuse
16 battery which was not dismissed pursuant to C.Cr.P. Art. 894(B).
- 17 Mover did not complete pretrial diversion.
- 18 The charges against the mover were not dismissed or refused.
- 19 Mover's felony conviction was not set aside and dismissed pursuant
20 to C.Cr.P. Art. 893(E).
- 21 Mover's felony conviction was not set aside and dismissed pursuant
22 to C.Cr.P. Art. 894(B).
- 23 Mover completed a DWI pretrial diversion program, but five years
24 have not elapsed since the mover's date of arrest.
- 25 Mover's conviction for felony carnal knowledge of a juvenile is not
26 defined as misdemeanor carnal knowledge of a juvenile had the
27 mover been convicted on or after August 15, 2001.
- 28 Mover has not been employed for ten consecutive years as required
29 by Article 978(E)(1)(d).

1 Mover was not convicted of a crime that would be eligible for
2 expungement as required by Article 978(E)(1).

3 Mover has criminal charges pending against him.

4 Mover was convicted of a criminal offense during the ten-year
5 period.

6 Denial for any other reason provided by law with attached reasons for
7 denial.

8 **THE MOTION IS HEREBY GRANTED** for ~~Item(s)~~ No. No(s).
9 _____ and all agencies are ordered to expunge the record of arrest/conviction and
10 any photographs, fingerprints, or any other such information of any kind maintained in
11 connection with the Arrest(s)/Conviction(s) in the above-captioned matter, which record
12 shall be confidential and no longer considered a public record, nor be available to other
13 persons except a prosecutor, member of a law enforcement agency, or a judge who may
14 request such information in writing certifying that such request is for the purpose of
15 prosecuting, investigating, or enforcing the criminal law, for the purpose of any other
16 statutorily defined law enforcement or administrative duties, or for the purpose of the
17 requirements of sex offender registration and notification pursuant to the provisions of R.S.
18 15:541 et seq. or upon an order of this Court to any other person for good cause shown, or
19 as otherwise authorized by law.

20 **THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY**
21 **REDACTION** If the record includes more than one individual and the mover is entitled to
22 expungement by redaction pursuant to Code of Criminal Procedure Article 985, for ~~Item(s)~~
23 ~~No.~~ No(s). _____ and all agencies are ordered to expunge the record of
24 arrest/conviction and any photographs, fingerprints, or any other such information of any
25 kind maintained in relation to the Arrest(s)/Conviction(s) in the above-captioned matter as
26 they relate to the mover only. The record shall be confidential and no longer considered a
27 public record, nor be available to other persons except a prosecutor, member of a law
28 enforcement agency, or a judge who may request such information in writing certifying that
29 such request is for the purpose of prosecuting, investigating, or enforcing the criminal law,
30 for the purpose of any other statutorily defined law enforcement or administrative duties, or

1 for the purpose of the requirements of sex offender registration and notification pursuant to
2 the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for
3 good cause shown, or as otherwise authorized by law.

4 NAME: _____
5 (Last, First, MI)

6 DOB: ____/____/____ (MM/DD/YY)

7 GENDER: ____ Female ____ Male

8 SSN (last 4 digits): XXX-XX-_____

9 RACE: _____

10 DRIVER LIC.# _____

11 ARRESTING AGENCY: _____

12 SID# (if available): _____

13 ARREST NUMBER (ATN): _____

14 AGENCY ITEM NUMBER: _____

15 ARREST DATE: ____/____/____ (MM/DD/YY)

16 **THUS ORDERED AND SIGNED** this ____ day of _____, 20 ____
17 at _____, Louisiana.

18 _____
19 JUDGE

20 **PLEASE SERVE:**

- 21 1. District Attorney: _____
- 22 2. Arresting Agency: _____
- 23 3. Parish Sheriff: _____
- 24 4. Louisiana Bureau of Criminal Identification and Information _____
- 25 5. Attorney for Defendant (or defendant) _____
- 26 6. Clerk of Court _____ "

27 Art. 993. Supplemental forms to be used

28 " **SUPPLEMENTAL SHEET**

29 ____ **Yes** ____ **No** **ARRESTS THAT DID NOT RESULT IN CONVICTION**

1 (MM/DD/YYYY)
2

pursuant to C.Cr.P. Art. 893(E)

3 () More than 10 years have passed

4 since completion of sentence

5 **ITEM NO.** ____ La. Rev. Stat. Ann. § ____ : ____

6 Name of the offense _____

7 since completion of sentence

8 **ITEM NO.** ____ La. Rev. Stat. Ann. § ____ : ____

9 Name of the offense _____

10 () Conviction set aside/dismissed _____
11 (MM/DD/YYYY)

12 pursuant to C.Cr.P. Art. 893(E)

13 () More than 10 years have passed

14 since completion of sentence

15 **ITEM NO.** ____ La. Rev. Stat. Ann. § ____ : ____

16 Name of the offense _____

17 () Conviction set aside/dismissed _____
18 (MM/DD/YYYY)

19 pursuant to C.Cr.P. Art. 893(E)

20 () More than 10 years have passed

21 since completion of sentence

22 **ITEM NO.** ____ La. Rev. Stat. Ann. § ____ : ____

23 Name of the offense _____

24 () Conviction set aside/dismissed _____
25 (MM/DD/YYYY)

26 pursuant to C.Cr.P. Art. 893(E)

27 () More than 10 years have passed

28 since completion of sentence

29 **ITEM NO.** ____ La. Rev. Stat. Ann. § ____ : ____

30 Name of the offense _____

31 () Conviction set aside/dismissed _____
32 (MM/DD/YYYY)

33 pursuant to C.Cr.P. Art. 893(E)

34 () More than 10 years have passed

35 since completion of sentence

