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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

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SB 98 Original	DIGEST 2019 Regular Session	Price
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Present law provides that a person may file a motion to expunge his record of arrest and conviction of a felony offense 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 that 10 year period, and has no criminal charge pending against him. Present law further provides that the motion to expunge must include a certification obtained from the district attorney that verifies that the applicant has no convictions during the 10-year period and no pending charges under a bill of information or indictment.

Proposed law changes the "cleansing period" after which a person is eligible for an expungement from 10 years to five years.

Proposed law otherwise retains present law.

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

Proposed law changes the period of time during which an expungement can occur only once from 15 years to 10 years.

Present law provides that, after a contradictory hearing, the court may order the expungement of the arrest and conviction records of a person pertaining to a conviction of aggravated battery, second degree battery, aggravated criminal damage to property, simple robbery, purse snatching, or illegal use of weapons or dangerous instrumentalities if all of the following conditions are proven by the petitioner:

- (1) 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.
- (2) The person has not been convicted of any other criminal offense during the 10-year period.
- (3) The person has no criminal charge pending against him.
- (4) The person has been employed for a period of 10 consecutive years.

Present law further provides that the motion to expunge filed pursuant to present law must include a certification from the district attorney that verifies that the applicant has no convictions during the 10-year period and no pending charges under a bill of information or indictment.

Proposed law changes the "cleansing period" after which a person convicted of certain present law offenses may be eligible for an expungement from 10 years to five years. Present law further provides that the person may also be eligible for an expungement if he can show that he has applied for positions of employment for 60 consecutive months, or that because of some physical or mental impairment, as established by a physician's statement, the person is not able to work.

Proposed law otherwise retains present law.

Effective August 1, 2019.

(Amends C.Cr.P. Art. 978(A)(2), (D), and (E)(1)(a), (b), and (d) and (2))