

2021 Regular Session

HOUSE BILL NO. 604

BY REPRESENTATIVES JAMES AND MARCELLE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/RECORDS: Provides relative to expungement of records

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 971(7), 973(E), 974(B) and (C),  
3 976, 977(A)(introductory paragraph) and (2), (B), and (C)(introductory paragraph)  
4 and (1), 978(A)(introductory paragraph) and (2), (B)(introductory paragraph), (C),  
5 and (E)(1), 979(section heading), 980(section heading), 981, 982(section heading),  
6 983(I), 985, 985.1(C), 986(A), 987, and 992, to enact Code of Criminal Procedure  
7 Articles 971(8), 972(5) through (14), 976.1, 976.2, 977(A)(3), 977.1, 977.2, 978.1,  
8 981.1, 981.2, 982.1, and 983(J), and to repeal Code of Criminal Procedure Articles  
9 978(E)(2), 984, and 996, relative to expungement; to provide relative to legislative  
10 findings; to provide for definitions; to provide relative to the dissemination of  
11 expunged records by third parties and court order; to provide relative to petition-  
12 based expungement of a record of arrest that did not result in conviction; to provide  
13 relative to petition-based expungement of a record of arrest and conviction of a  
14 misdemeanor and felony offenses; to provide relative to service of a petition-based  
15 motion to expunge a record; to provide relative to petition-based contradictory  
16 hearings; to provide relative a judgement granting a petition-based motion to  
17 expunge a record of arrest or conviction; to provide relative to service of order and  
18 judgement of petition-based expungement; to provide relative to expungement by  
19 redaction of records with references to multiple individuals; to provide relative to  
20 interim petition-based motion to expunge a felony arrest; to provide relative to forms  
21 the expungement of records; to provide relative to government-initiated

1 expungement of a fingerprinted record of arrest that did not result in conviction; to  
 2 provide relative to government-initiated expungements; to provide relative to  
 3 government-initiated expungement of a fingerprinted record of arrest and conviction  
 4 of a misdemeanor and felony offenses; to provide relative to certificate of  
 5 compliance confirming a government-initiated expungement; to provide relative to  
 6 the transmission of data to complete, serve, and confirm a government-initiated  
 7 expungement; to provide relative to the costs of a petition-based expungement; to  
 8 provide relative interim petition-based motions to expunge a felony arrest from  
 9 criminal history; to provide relative to the requirements for expungement of records  
 10 involving the operation of a motor vehicle while intoxicated; to provide relative for  
 11 effectiveness; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Code of Criminal Procedure Articles 971(7), 973(E), 974(B) and (C),  
 14 979(section heading), 980(section heading), 981, 982(section heading), 983(I), 985,  
 15 985.1(C), 986(A), 987, and 992 are hereby amended and reenacted and Code of Criminal  
 16 Procedure Articles 971(8), 972(5) through (14), 976.2, 977.2, 978.1, and 983(J) are hereby  
 17 enacted to read as follows:

18 Art. 971. Legislative findings

19 The legislature hereby finds and declares the following:

20 \* \* \*

21 (7) Automatic, government-initiated, criminal record-clearing removes the  
 22 burden of filing a court petition, is intended to reduce recidivism, and will benefit the  
 23 economy.

24 (8) In balancing the legitimate needs of law enforcement agencies and the  
 25 desire to afford employment opportunities to all Louisiana citizens, the Louisiana  
 26 Legislature enacts the provisions of this Title within the Code of Criminal Procedure.

27 Art. 972. Definitions

28 As used in this Title:

29 \* \* \*

1           (5) "Arrest date" means the date of citation, summons, or booking date for  
2           a state misdemeanor or felony charge.

3           (6) "Case Management Information System" (CMIS) is the system operated  
4           by the Louisiana Supreme Court to receive and maintain criminal records related to  
5           a defendant's criminal record and criminal court case.

6           (7) "Certificate of Compliance" means a document produced upon request  
7           by the Louisiana Bureau of Criminal Identification and Information after a  
8           government-initiated expungement has been fully processed, as provided in Article  
9           981.1.

10           (8) "Criminal repository" means the criminal history record information  
11           system as established and maintained by R.S. 15:578 by the Louisiana Bureau of  
12           Criminal Identification and Information.

13           (9) "Fingerprinted record of arrest" means a fingerprint identifying a person  
14           included in the Automatic Fingerprint Identification System (AFIS) that is  
15           transferred to the criminal history repository operated by the Louisiana Bureau of  
16           Criminal Identification and Information.

17           (10) "Government-initiated expungement" means the removal from public  
18           access of eligible criminal history record information contained in the Criminal  
19           Repository and Case Management Information System (CMIS) through the  
20           automated process described in this Title.

21           (11) "Non-fingerprinted record of arrest" means a record or portion of a  
22           record of citation, summons, or arrest, not including traffic offenses as provided for  
23           in Title 32 of the Louisiana Revised Statutes of 1950 that does not create or result in  
24           a fingerprinted or biometric record transferred to the criminal repository operated by  
25           the Louisiana Bureau of Criminal Identification and Information.

26           (12) "Petition-based expungement" means a manual paper based process  
27           initiated by an attorney or person with a record who may be eligible for an  
28           expungement and files the motion and paperwork as required by this Title.



1        Art. 976.2. Petition-based expungement of a record of arrest that did not result in  
2                    conviction

3                    A. A person may file a motion to expunge a record of his arrest for a felony  
4                    or misdemeanor offense that did not result in a conviction if any of the following  
5                    apply:

6                    (1) The person was not prosecuted for the offense for which he was arrested,  
7                    and the limitations on the institution of prosecution have barred the prosecution for  
8                    that offense.

9                    (2) The district attorney for any reason declined to prosecute any offense  
10                   arising out of that arrest, including the reason that the person successfully completed  
11                   a pretrial diversion program.

12                   (3) Prosecution was instituted and such proceedings have been finally  
13                   disposed of by dismissal, with prejudice, sustaining a motion to quash with  
14                   prejudice, or acquittal.

15                   (4) The person was judicially determined to be factually innocent and  
16                   entitled to compensation for a wrongful conviction pursuant to the provisions of R.S.  
17                   15:572.8. The person may seek to have the arrest and conviction which formed the  
18                   basis for the wrongful conviction expunged without the limitations or time delays  
19                   imposed by the provisions of this Article or any other provision of law to the  
20                   contrary.

21                   (5) The criminal repository or Case Management Information System did not  
22                   complete an expungement under Articles 976 or 976.1 and the person is otherwise  
23                   eligible under this Article.

24                   B. Pursuant to R.S. 15:578.1, no person arrested for a violation of R.S. 14:98  
25                   (operating a vehicle while intoxicated) or a parish or municipal ordinance that  
26                   prohibits operating a vehicle while intoxicated, impaired, or while under the  
27                   influence of alcohol, drugs, or any controlled dangerous substance, and placed by the  
28                   prosecuting authority into a pretrial diversion program, shall be entitled to an  
29                   expungement of the record until five years have elapsed since the date of arrest for

1 that offense. A person may file a motion to expunge his record of arrest if the  
2 criminal repository or Case Management Information System did not complete an  
3 expungement under Articles 976 or 976.1, and the person is otherwise eligible under  
4 this Article.

5 C. The motion to expunge a record of arrest that did not result in a  
6 conviction of a misdemeanor or felony offense shall be served pursuant to the  
7 provisions of Article 979.

8 \* \* \*

9 Art. 977.2. Petition-based expungement of a record of arrest and conviction of a  
10 misdemeanor offense

11 A. A person may file a motion to expunge his record of arrest and conviction  
12 of a misdemeanor offense if either of the following apply:

13 (1) The conviction was set aside and the prosecution was dismissed pursuant  
14 to Article 894(B) of this Code.

15 (2) Five years have elapsed since the person completed any sentence,  
16 deferred adjudication, or period of probation or parole, and the person has not been  
17 convicted of any felony offense during the five-year period and has no felony charge  
18 pending against him.

19 (3) A person may file a motion to expunge his record of arrest if the criminal  
20 repository or Case Management Information System did not complete an  
21 expungement under Articles 977 or 977.1 and the person is otherwise eligible under  
22 this Article.

23 B. The motion to expunge a record of arrest and conviction of a misdemeanor  
24 offense shall be served pursuant to the provisions of Article 979 of this Code.

25 C. No person shall be entitled to expungement of a record under any of the  
26 following circumstances:

27 (1) The misdemeanor conviction arose from circumstances involving or is  
28 the result of an arrest for a sex offense as defined in R.S. 15:541, except that an

1 interim expungement shall be available as authorized by the provisions of Article  
2 985.1.

3 (2) The misdemeanor conviction was for domestic abuse battery.

4 (3) The misdemeanor conviction was for stalking (R.S. 14:40.2).

5 \* \* \*

6 Art. 978.1. Petition-based expungement of record of arrest and conviction of a  
7 felony offense

8 A. A person may file a motion to expunge his record of arrest and conviction  
9 of a felony offense if any of the following apply:

10 (1) The conviction was set aside and the prosecution was dismissed pursuant  
11 to Article 893(E).

12 (2) More than ten years have elapsed since the person completed any  
13 sentence, deferred adjudication, or period of probation or parole based on the felony  
14 conviction, and the person has not been convicted of any other criminal offense  
15 during the ten-year period, and has no criminal charge pending against him. The  
16 motion filed pursuant to this Subparagraph shall include a certification obtained from  
17 the district attorney which verifies that, to his knowledge, the applicant has no  
18 convictions during the ten-year period and no pending charges under a bill of  
19 information or indictment.

20 (3) The person is entitled to a first offender pardon for the offense pursuant  
21 to Article IV, Section 5(E)(1) of the Constitution of Louisiana, provided that the  
22 offense is not defined as a crime of violence pursuant to R.S. 14:2(B) or a sex  
23 offense pursuant to R.S. 15:541.

24 (4) A person may file a motion to expunge his record of arrest if the criminal  
25 repository or Case Management Information System did not complete an  
26 expungement under Article 977 or 977.1 and the person is otherwise eligible under  
27 this Article.

28 B. No expungement shall be granted nor shall a person be permitted to file  
29 a motion to expunge the record of arrest and conviction of a felony offense if the

1 person was convicted of the commission or attempted commission of any of the  
2 following offenses:

3 (1) A crime of violence as defined by or enumerated in R.S. 14:2(B), unless  
4 otherwise authorized in Paragraph D of this Article.

5 (2)(a) Notwithstanding any provision of Article 893, a sex offense or a  
6 criminal offense against a victim who is a minor as each term is defined by R.S.  
7 15:541, or any offense which occurred prior to June 18, 1992, that would be defined  
8 as a sex offense or a criminal offense against a victim who is a minor had it occurred  
9 on or after June 18, 1992.

10 (b) Any person who was convicted of carnal knowledge of a juvenile (R.S.  
11 14:80) prior to August 15, 2001, is eligible for an expungement pursuant to the  
12 provisions of this Title if the offense for which the offender was convicted would be  
13 defined as misdemeanor carnal knowledge of a juvenile (R.S. 14:80.1) had the  
14 offender been convicted on or after August 15, 2001. The burden is on the mover  
15 to establish that the elements of the offense of conviction are equivalent to the  
16 current definition of misdemeanor carnal knowledge of a juvenile as defined by R.S.  
17 14:80.1. A copy of the order waiving the sex offender registration and notification  
18 requirements issued pursuant to the provisions of R.S. 15:542(F) shall be sufficient  
19 to meet this burden.

20 (3) A violation of the Uniform Controlled Dangerous Substances Law,  
21 except for any of the following which may be expunged pursuant to the provisions  
22 of this Title:

23 (a) A conviction for possession of a controlled dangerous substance as  
24 provided for in R.S. 40:966(C), 967(C), 968(C), or 969(C), or 970(C).

25 (b) A conviction for possession of a controlled dangerous substance with the  
26 intent to distribute.

27 (c) A conviction for a violation of the Uniform Controlled Dangerous  
28 Substances Law which is punishable by a term of imprisonment of not more than  
29 five years.



1 Art. 980. ~~Contradictory~~ Petition-based contradictory hearing

2 \* \* \*

3 Art. 981. Judgment granting petition-based motion to expunge a record of arrest or  
4 conviction; execution

5 A judgment ordering a petition-based expungement of a record of arrest or  
6 of conviction of a misdemeanor or felony offense shall be served as provided for in  
7 Article 982 of this Code. The judgment shall not affect any persons or other entities  
8 set forth in Article 979 or 982 of this Code who have not been served with the  
9 motion and judgment ordering the expungement of a record.

10 \* \* \*

11 Art. 982. Service of order and judgment of petition-based expungement

12 \* \* \*

13 Art. 983. Costs of a petition-based expungement of a record; fees; collection;  
14 exemptions; disbursements

15 \* \* \*

16 I. ~~Notwithstanding any provision of law to the contrary, an applicant for the~~  
17 ~~expungement of a record, other than as provided in Paragraphs F and G of this~~  
18 ~~Article, may proceed in forma pauperis in accordance with the provisions of Code~~  
19 ~~of Civil Procedure Article 5181 et seq. A person shall not be charged any costs for~~  
20 a government-initiated expungement of their records.

21 \* \* \*

22 Art. 985. Expungement by redaction of records with references to multiple  
23 individuals

24 A. If a record includes the name of more than one individual and one or  
25 more of the individuals is entitled to an expungement of an arrest or conviction  
26 pursuant to the provisions of this Title, any individual entitled to an expungement  
27 may petition the court to have records related to the arrest or conviction of the  
28 individual expunged by redaction, or have their records expunged by the  
29 government-initiated process described in this Title.



1

2

No.: \_\_\_\_\_

Division: " \_\_\_\_\_ "

3

**State of Louisiana**

4

vs.

5

6

**MOTION TO SET ASIDE CONVICTION AND**

7

**DISMISS PROSECUTION**

8

NOW INTO HONORABLE COURT, comes

9

Defendant, OR

10

Defendant through undersigned Counsel,

11

who moves that the conviction pursuant to Louisiana Code of Criminal Procedure

12

Article 894(B) Misdemeanors, OR

13

Article 893(E) Felonies

14

in the above numbered case be set aside and that the prosecution dismissed in  
accordance with the Code of Criminal Procedure in that the period of the deferred  
sentence has run and petitioner has successfully completed the terms of his  
probation.

18

The mover is further identified below:

19

DOCKET NUMBER: \_\_\_\_\_

20

CHARGE: \_\_\_\_\_

21

DATE OF ARREST: \_\_\_\_\_

22

ARRESTING AGENCY: \_\_\_\_\_

23

CITY/PARISH OF ARREST: \_\_\_\_\_

24

The Mover prays that, after a contradictory hearing with the District Attorney's  
Office, the Court order the above numbered case be set aside and that the prosecution  
dismissed in accordance with the Code of Criminal Procedure.

27

Respectfully submitted,

28

29

\_\_\_\_\_  
Signature of Attorney for Mover/Defendant

1  
2

\_\_\_\_\_  
Attorney for Mover/Defendant Name

3  
4

\_\_\_\_\_  
Attorney's Bar Roll No.

5  
6

\_\_\_\_\_  
Address

7  
8

\_\_\_\_\_  
City, State, ZIP Code

9  
10  
11

\_\_\_\_\_  
Telephone Number  
**If not represented by counsel:**

12  
13

\_\_\_\_\_  
Signature of Mover/Defendant

14  
15

\_\_\_\_\_  
Mover/Defendant Name

16  
17

\_\_\_\_\_  
Address

18  
19

\_\_\_\_\_  
City, State, ZIP Code

20  
21

\_\_\_\_\_  
Telephone Number

22

**STATE OF LOUISIANA**

23

**JUDICIAL DISTRICT FOR THE PARISH OF**

24

\_\_\_\_\_

25

**No.:** \_\_\_\_\_

**Division:** " \_\_\_\_\_ "

26

**State of Louisiana**

27

**vs.**

28

\_\_\_\_\_

29

**RULE TO SHOW CAUSE**







1                Mover received a first offender pardon but for an ineligible offense.

2                Mover did not receive a first offender pardon.

3                Denial for any other reason provided by law with attached reasons for  
4                                   denial.

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

16                **THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY**  
17 **REDACTION** If the record includes more than one individual and the mover is entitled to  
18 expungement by redaction pursuant to Code of Criminal Procedure Article 985, for No(s).  
19 \_\_\_\_\_ and all agencies are ordered to expunge the record of arrest/conviction and  
20 any photographs, fingerprints, or any other such information of any kind maintained in  
21 relation to the Arrest(s)/Conviction(s) in the above-captioned matter as they relate to the  
22 mover only. The record shall be confidential and no longer considered a public record, nor  
23 be available to other persons except a prosecutor, member of a law enforcement agency, or  
24 a judge who may request such information in writing certifying that such request is for the  
25 purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any  
26 other statutorily defined law enforcement or administrative duties, or for the purpose of the  
27 requirements of sex offender registration and notification pursuant to the provisions of R.S.  
28 15:541 et seq. or upon an order of this Court to any other person for good cause shown, or  
29 as otherwise authorized by law.

1 NAME: \_\_\_\_\_

2 (Last, First, MI)

3 DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

4 GENDER: \_\_\_\_ Female \_\_\_\_ Male

5 SSN (last 4 digits): XXX-XX-\_\_\_\_\_

6 RACE: \_\_\_\_\_

7 DRIVER LIC.# \_\_\_\_\_

8 ARRESTING AGENCY: \_\_\_\_\_

9 SID# (if available): \_\_\_\_\_

10 ARREST NUMBER (ATN): \_\_\_\_\_

11 AGENCY ITEM NUMBER: \_\_\_\_\_

12 ARREST DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

13 **THUS ORDERED AND SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

14 at \_\_\_\_\_, Louisiana.

15 \_\_\_\_\_

16 JUDGE

17 **PLEASE SERVE:**

18 1. District Attorney: \_\_\_\_\_

19 2. Arresting Agency: \_\_\_\_\_

20 3. Parish Sheriff: \_\_\_\_\_

21 4. Louisiana Bureau of Criminal Identification and Information \_\_\_\_\_

22 5. Attorney for Defendant (or defendant) \_\_\_\_\_

23 6. Clerk of Court \_\_\_\_\_ "

24 Section 2. Code of Criminal Procedure Articles 976, 977(A)(introductory paragraph)  
25 and (2), (B), and (C)(introductory paragraph) and (1), and 978(A)(introductory paragraph)  
26 and (2), and (B)(introductory paragraph), (C), and (E)(1) are hereby amended and reenacted  
27 and Code of Criminal Procedure Articles 977(A)(3), and 981.1 are hereby enacted to read  
28 as follows:







1 ~~district attorney which verifies that, to his knowledge, the applicant has no~~  
2 ~~convictions during the ten-year period and no pending charges under a bill of~~  
3 ~~information or indictment.~~

4 \* \* \*

5 B. No government-initiated expungement shall be ~~granted nor shall a person~~  
6 ~~be permitted to file a motion to expunge the record of arrest and conviction of a~~  
7 ~~felony offense processed for a felony conviction with any underlying records of~~  
8 ~~arrest associated in the criminal repository~~ if the person was convicted of the  
9 commission or attempted commission of any of the following offenses:

10 \* \* \*

11 C. ~~The motion to expunge a record of arrest and conviction of a felony~~  
12 ~~offense shall be served pursuant to the provisions of Article 979. The criminal~~  
13 ~~repository shall serve notice of this expungement pursuant to the provisions of~~  
14 ~~Article 982.1.~~

15 \* \* \*

16 E.(1) Notwithstanding any other provision of law to the contrary, ~~after a~~  
17 ~~contradictory hearing, the court may order the expungement of the arrest and~~  
18 ~~conviction records of a person~~ a government-initiated expungement shall be  
19 processed for a felony conviction and any records associated with the arrest in the  
20 criminal repository pertaining to a conviction convictions of aggravated battery,  
21 second degree battery, aggravated criminal damage to property, simple robbery,  
22 purse snatching, or illegal use of weapons or dangerous instrumentalities if all of the  
23 following conditions ~~are proven by the petitioner~~ apply:

24 (a) ~~More than ten~~ Ten years have elapsed since the ~~person completed any~~  
25 ~~sentence, deferred adjudication, or period of probation or parole~~ completion of the  
26 sentence duration based on the felony conviction.

27 (b) The person has not been convicted of any other fingerprinted criminal  
28 offense during the ten-year period.

1 (c) The person has no fingerprinted criminal charge pending against him.

2 \* \* \*

3 Art. 981.1. Certificate of compliance confirming government-initiated expungement  
4 of a fingerprinted record

5 A. The certificate of compliance shall include, at a minimum, the following  
6 individual identifying information available from the criminal repository and shall  
7 use the form provided under Article 992.1 and include the following, if available:

- 8 (1) Full legal name.
- 9 (2) Date of birth.
- 10 (3) Last four digits of the individual's social security number.
- 11 (4) Race of the individual.
- 12 (5) SID number for the individual.
- 13 (6) Arrest number or ATN for the individual.
- 14 (7) Agency item number.
- 15 (8) Arrest dates.
- 16 (9) Docket numbers and associated screening numbers.
- 17 (10) Arrest disposition.
- 18 (11) Charge.
- 19 (12) Final disposition.
- 20 (13) Disposition date.
- 21 (14) Sentencing and fines.
- 22 (15) Whether or not sentenced to hard labor.

23 B. For purposes of government-initiated expungement, the Louisiana Bureau  
24 of Criminal Identification and Information shall transmit the available information  
25 described in Paragraph A of this Article to the entities provided for in Article 982.1.

26 (1) Until August 1, 2025, the transmission of the available information shall  
27 be at least once every ninety days.

28 (2) Beginning August 1, 2025, the transmission of available information  
29 shall be at least once a month.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1           C. Upon request from an individual seeking confirmation of their  
2           government-initiated expungement, the Louisiana Bureau of Criminal Identification  
3           and Information shall generate and issue a certificate of compliance to the individual  
4           listed on the certificate for the purposes of confirming a record has been expunged  
5           through the government-initiated process. The individual seeking confirmation of  
6           government-initiated expungement shall request the certificate through a right to  
7           review or other process established by the Louisiana Bureau of Criminal  
8           Identification and Information. The certificate shall not affect any persons or other  
9           entities set forth in Article 982.1 who have not been served with the certificate of  
10           compliance.

11           Section 3. Code of Criminal Procedure Articles 976.1, 977.1, 981.2, and 982.1 are  
12 hereby enacted to read as follows:

13           Art. 976.1. Government-initiated expungement of a non-fingerprinted record of  
14           arrest that did not result in conviction

15           A. A non-fingerprinted record of arrest for a misdemeanor offense that did  
16           not result in a conviction shall be expunged through government automation at the  
17           earliest of the following:

18                   (1) The district attorney for any reason declined to prosecute any offense out  
19                   of that arrest, including the reason that the person successfully completed a pretrial  
20                   diversion program.

21                   (2) Prosecution was instituted and such proceedings have been finally  
22                   disposed of by dismissal with prejudice, sustaining of a motion to quash with  
23                   prejudice, or acquittal.

24                   (3) The person was judicially determined to be factually innocent and  
25                   entitled to compensation for a wrongful conviction pursuant to the provisions of R.S.  
26                   15:572.8. The person may seek to have the arrest and conviction which formed the  
27                   basis for the wrongful conviction expunged without the limitations or time delays  
28                   imposed by the provisions of this Article or any other provision of law to the  
29                   contrary.



1        Art. 981.2. Transmission of data confirming government-initiated expungement of  
2                    a non-fingerprinted record

3                    A. The transmission of data shall include the following individual identifying  
4        information if available from the Case Management Information System:

5                    (1) Full legal name.

6                    (2) Date of birth.

7                    (3) Last four digits of the individual's social security number.

8                    (4) Race of the individual.

9                    (5) SID number for the individual.

10                  (6) Arrest number or ATN for the individual.

11                  (7) Agency item number.

12                  (8) Arrest dates.

13                  (9) Docket numbers and associated screening numbers.

14                  (10) Arrest disposition.

15                  (11) Charge.

16                  (12) Final disposition.

17                  (13) Disposition date.

18                  (14) Sentencing and fines.

19                  (15) Whether or not sentenced to hard labor.

20                  B. For purposes of government-initiated expungement, the Louisiana  
21        Supreme Court Case Management Information System shall transmit the available  
22        information described in Paragraph A of this Article to the entities provided for in  
23        Article 982.1.

24                  (1) Until August 1, 2025, the transmission of the available information shall  
25        be at least once every ninety days.

26                  (2) Beginning August 1, 2025, the transmission of available information  
27        shall be at least once a month.

28                  C. The available data described in Paragraph A of this Article related to a  
29        non-fingerprinted record of arrest or conviction of a misdemeanor offense shall be

1 transmitted as provided for in Article 982.1. The transmission of data shall not affect  
2 any persons or other entities not set forth in Article 982.1.

3 \* \* \*

4 Art. 982.1. Transmission of data to complete and serve a government-initiated  
5 fingerprinted and non-fingerprinted expungement

6 A. The Louisiana Bureau of Criminal Identification and Information through  
7 the criminal repository shall transmit the available data provided in Article 981.1 by  
8 United States mail or electronically to all of the following entities:

- 9 (1) The district attorney of the parish of conviction.
- 10 (2) The clerk of court of the parish of conviction.
- 11 (3) The arresting agency, if such agency is included in the arrest entry.
- 12 (4) The sheriff of the parish of conviction.

13 B. The Case Management Information System shall transmit the available  
14 data provided in Article 981.2 by United States mail or electronically upon all of the  
15 following entities:

- 16 (1) The district attorney of the parish of conviction.
- 17 (2) The Louisiana Bureau of Criminal Identification and Information.
- 18 (3) The clerk of court of the parish of conviction.
- 19 (4) The arresting agency.
- 20 (5) The sheriff of the parish of conviction.

21 Section 4. Code of Criminal Procedure Articles 978(E)(2), 984, and 996 are hereby  
22 repealed in their entirety.

23 Section 5. The Louisiana State Law Institute is hereby authorized and directed to  
24 renumber the terms defined in Code of Criminal Procedure Article 972 to ensure that such  
25 terms are in alphabetical order.

26 Section 6. This Section and Sections 1 and 5 of this Act shall become effective on  
27 August 1, 2021.

28 Section 7. This Section and Section 2 of this Act shall become effective on August  
29 1, 2023.

1 Section 8. This Section and Section 3 of this Act shall become effective on August  
2 1, 2024.

3 Section 9. This Section and Section 4 of this Act shall become effective on August  
4 1, 2025.

### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 604 Engrossed

2021 Regular Session

James

**Abstract:** Provides for a comprehensive revision of expungement laws, including petition-based and government-initiated criminal record-clearing.

Present law provides for the expungement of records of arrest and misdemeanor and felony convictions in certain circumstances.

Proposed law provides for a comprehensive revision to present law provisions including the following major changes:

- (1) Provides for definitions for the following terms: arrest date, Case Management Information System, certificate of compliance, criminal repository, fingerprinted record of arrest, government-initiated expungement, non-fingerprinted record of arrest, petition-based expungement, sentence date, and sentence duration.
- (2) Provides for a petition-based expungement of record of arrest that did not result in conviction.
- (3) Provides for a petition-based expungement of a record of arrest and conviction of a misdemeanor offense.
- (4) Provides for a petition-based expungement of a record of arrest and conviction of a felony offense.
- (5) Provides relative to the costs associated for a petition-based expungement of a record, and provides that a person shall not be charged any costs for a government-initiated expungement of records.
- (6) Amends certain present law forms to conform with proposed law changes.
- (7) Provides relative to the process for a government-initiated expungement of a fingerprinted record of arrest that did not result in a conviction.
- (8) Provides relative to the process for a government-initiated expungement of a fingerprinted record of arrest and conviction of misdemeanor and felony offenses.
- (9) Provides for a certificate of compliance confirming a government-initiated expungement of a fingerprinted record.
- (10) Provides relative to the transmission of data to complete and serve a government-initiated fingerprinted and non-fingerprinted expungement.

Proposed law provides for certain effective dates of proposed law.

(Amends C.Cr.P. Arts. 971(7), 973(E), 974(B) and (C), 976, 977(A)(intro. para.) and (2), (B), and (C)(intro. para.) and (1), 978(A)(intro. para.) and (2), (B)(intro. para.), (C), and (E)(1), 979(section heading), 980(section heading), 981, 982(section heading), 983(I), 985, 985.1(C), 986(A), 987, and 992; Adds C.Cr.P. Arts. 971(8), 972(5) through (14), 976.1, 976.2, 977(A)(3), 977.1, 977.2, 978.1, 981.1, 981.2, 982.1, and 983(J); Repeals C.Cr.P. Arts. 978(E)(2), 984, and 996)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Change provisions regarding fingerprinted and non-fingerprinted arrest records for felony or misdemeanor offenses.
2. Remove provisions of proposed law regarding the transmission of data confirming government-initiated expungements.