

2022 Regular Session

HOUSE BILL NO. 707

BY REPRESENTATIVE DUPLESSIS

CRIMINAL/RECORDS: Provides relative to the expungement of criminal records

1 AN ACT

2 To enact Code of Criminal Procedure Article 985.2, relative to expungement of records; to

3 provide relative to automated expungement of certain criminal records; to require the

4 Louisiana Bureau of Criminal Identification and Information to send certain records

5 to the Louisiana Supreme Court Case Management Information System; to provide

6 relative to duties of the clerks of district courts and the Louisiana Bureau of Criminal

7 Identification and Information; to authorize the adoption of rules and regulations by

8 state police and the supreme court; to provide that no person shall have a cause of

9 action resulting from the omission of their records for automated expungement; and

10 to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Code of Criminal Procedure Article 985.2 is hereby enacted to read as
13 follows:

14 Art. 985.2. Automated expungement of qualifying records

15 A. The Louisiana Bureau of Criminal Identification and Information shall

16 identify within its criminal repository database all records with final dispositions for

17 individuals eligible for an expungement pursuant to the provisions of Articles 976,

18 977, and 978.

19 B. Beginning August 1, 2024, and every thirty days thereafter, the Louisiana

20 Bureau of Criminal Identification and Information shall send the records with final

1 dispositions for individuals eligible for an expungement pursuant to the provisions
2 of Articles 976, 977, and 978 to the Louisiana Supreme Court Case Management
3 Information System.

4 C. Within thirty days of receipt of records from the Louisiana Bureau of
5 Criminal Identification and Information, the Louisiana Supreme Court Case
6 Management Information System shall verify, process, and send notice by United
7 States mail or electronically of all records expunged by automation to the clerks of
8 the district courts of Louisiana and the Louisiana Bureau of Criminal Identification
9 and Information. The clerks of the district courts of Louisiana and the Louisiana
10 Bureau of Criminal Identification and Information shall identify such records as
11 expunged by automation.

12 D. The clerks of the district courts of Louisiana shall send notice by United
13 States mail or electronically of all records expunged by automation to the district
14 attorney of the parish of the person's conviction, the sheriff of the parish of the
15 person's conviction, and the arresting agency. The district attorney, the sheriff, and
16 the arresting agency shall identify such records as expunged by automation.

17 E. The Louisiana State Police and the Louisiana Supreme Court are hereby
18 authorized to adopt and promulgate rules and regulations in accordance with the
19 Administrative Procedure Act to carry out the provisions of this Article for criminal
20 records in districts courts of Louisiana which date back to January 1, 2000.

21 F. Nothing in this Article shall prevent an otherwise eligible individual from
22 obtaining an expungement pursuant to any provision in this Title. An individual
23 eligible for an automated expungement under this Article shall not have a cause of
24 action for any damages resulting from the omission of their records in the process
25 provided by this Article.

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 707 Original

2022 Regular Session

Duplessis

Abstract: Provides for automated expungement of certain qualifying criminal records.

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

Proposed law provides for automated expungement of qualifying records. Requires the La. Bureau of Criminal Identification and Information (bureau) to identify within its criminal repository database all records with final dispositions for individuals eligible for an expungement pursuant to the provisions of present law (C.Cr.P. Arts. 976, 977, and 978).

Proposed law provides that on Aug. 1, 2024, and every 30 days thereafter, the bureau shall send the records with final dispositions for individuals eligible for an expungement pursuant to present law to the La. Supreme Court Case Management Information System.

Proposed law requires the La. Supreme Court Case Management Information System, within 30 days of receipt of records from the bureau, to verify, process, and send notice by U.S. mail or electronically of all records expunged by automation to the clerks of the district courts and the bureau. The clerks and the bureau shall identify such records as expunged by automation.

Proposed law requires the clerks of the district courts to send notice by U.S. mail or electronically of all records expunged by automation to the district attorney of the parish of the person's conviction, the sheriff of the parish of the person's conviction, and the arresting agency. The district attorney, the sheriff, and the arresting agency shall identify such records as expunged by automation.

Proposed law authorizes state police and the supreme court to adopt and promulgate rules and regulations to carry out the provisions of proposed law for criminal records in district courts which date back to Jan. 1, 2000.

(Adds C.Cr.P. Art. 985.2)