

2022 Regular Session

HOUSE BILL NO. 774

BY REPRESENTATIVE GLOVER

CRIMINAL/RECORDS: Provides relative to expungements for certain amounts of possession of marijuana

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 983(H) and (I) and to enact Code
3 of Criminal Procedure Articles 977(D) and 983(J), relative to expungement of
4 records; to provide relative to the motion to expunge a record of arrest and
5 conviction of a misdemeanor offense; to provide relative to when a person may file
6 an expungement for certain convictions of possession of marijuana; to provide
7 relative to the fees for an expungement of a record; to provide for exemptions of fees
8 in certain expungement cases; to provide for prospective and retroactive application;
9 and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Code of Criminal Procedure Article 983(H) and (I) are hereby amended
12 and reenacted and Code of Criminal Procedure Articles 977(D) and 983(J) are hereby
13 enacted to read as follows:

14 Art. 977. Motion to expunge a record of arrest and conviction of a misdemeanor
15 offense

16 * * *

17 D. Notwithstanding any provision of law to the contrary, a person may file
18 a motion to expunge his record of arrest and conviction of a misdemeanor offense
19 involving the possession of marijuana, tetrahydrocannabinol, or chemical derivatives
20 thereof pursuant to R.S. 40:966(C)(2)(a) from the date of conviction.

21 * * *

convicted of any felony offense during such period, and has no felony charge pending against him.

Proposed law retains present law and provides that a person may file a motion to expunge his record of arrest and conviction of a misdemeanor offense involving the possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof pursuant to present law (R.S. 40:966(C)(2)(a)) from the date of conviction.

Present law (C.Cr.P. Art. 983) provides relative to the fees for an expungement of a record and exempts certain applicants from paying any fees.

Proposed law retains present law and adds that a person who has been convicted of a misdemeanor offense involving the possession of marijuana pursuant to present law (R.S. 40:966(C)(2)(a)) shall be exempt from the payment of the processing fees otherwise authorized by present law.

Provides for prospective and retroactive application.

(Amends C.Cr.P. Art. 983(H) and (I); Adds C.Cr.P. Arts. 977(D) and 983(J))