

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 enact Code of Criminal Procedure Article 977(D), relative to expungement of records;
3 to provide relative to the motion to expunge a record of arrest and conviction of a
4 misdemeanor offense; to provide relative to when a person may file an expungement
5 for certain convictions of possession of marijuana; to provide for prospective and
6 retroactive application; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 977(D) is hereby enacted to read as
9 follows:

10 Art. 977. Motion to expunge a record of arrest and conviction of a misdemeanor
11 offense

12 * * *

13 D. Notwithstanding any provision of law to the contrary, a person may file
14 a motion to expunge his record of arrest and conviction of a misdemeanor offense
15 involving the possession of marijuana, tetrahydrocannabinol, or chemical derivatives
16 thereof pursuant to R.S. 40:966(C)(2)(a) after one hundred eighty days from the date
17 of conviction.

18 Section 2. The provisions of this Act shall be given prospective and retroactive
19 application.

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 774 Engrossed

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Abstract: Relative to the expungement of records, provides relative to when a person may file an expungement for certain convictions of possession of marijuana.

Present law provides for the expungement of certain arrest and conviction records under certain circumstances.

Present law further provides that a person may file a motion to expunge his record of arrest and conviction of a misdemeanor offense if either of the following apply:

- (1) The conviction was set aside and prosecution was dismissed.
- (2) More than five years have elapsed since the person completed any sentence, deferred adjudication, or period of probation and parole, and the person has not been 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)) after 180 days from the date of conviction.

Provides for prospective and retroactive application.

(Adds C.Cr.P. Art. 977(D))

Summary of Amendments Adopted by House

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

1. Provide that a person may file a motion to expunge a record of arrest and conviction for certain convictions of possession of marijuana after 180 days from the date of conviction.
2. Remove proposed law relative to the exemption of expungement fees for persons convicted of a misdemeanor offense involving the possession of marijuana.