
DIGEST

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HB 774 Reengrossed

2022 Regular Session

Glover

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.

Present law provides for the forms used for the expungement of records.

Proposed law adds an additional form for misdemeanor convictions for possession of marijuana pursuant to present law (R.S. 40:966(C)(2)(a)).

Provides for prospective and retroactive application.

(Amends C.Cr.P. Art. 986(A) and (C); Adds C.Cr.P. Arts. 977(D) and 997)

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.

The House Floor Amendments to the engrossed bill:

1. Add a form for the expungement of misdemeanor convictions for possession of marijuana pursuant to present law (R.S. 40:966(C)(2)(a)).