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## DIGEST

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HB 286 Original

2023 Regular Session

Boyd

**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) or (b)) after 90 days 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) or (b)) shall be exempt from the payment of the processing fees otherwise authorized by present law.

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) or (b)).

(Amends C.Cr.P. Arts. 983(J), (K), and (L) and 986(A) and (C); Adds C.Cr.P. Arts. 977(D), 983(M), and 998)