

2023 Regular Session

HOUSE BILL NO. 479

BY REPRESENTATIVES MARINO AND KNOX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Provides relative to expungement of records

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 972, relative to expungement of
3 records; to provide relative to legislative findings; to provide for definitions; to
4 provide for certain jurisdictions of courts for expungement of records; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 972 is hereby amended and reenacted
8 to read as follows:

9 Art. 972. Definitions

10 A. As used in this Title:

11 (1) "Expunge a record" means to remove a record of arrest or conviction,
12 photographs, fingerprints, disposition, or any other information of any kind from
13 public access pursuant to the provisions of this Title. "Expunge a record" does not
14 mean destruction of the record.

15 (2) "Expungement by redaction" provides for the expungement of records
16 of a person who is arrested or convicted with other persons who are not entitled to
17 expungement and involves the removal of the name or any other identifying
18 information of the person entitled to the expungement and otherwise retains the
19 records of the incident as they relate to the other persons.

1 (3) "Interim expungement" means to expunge a felony arrest from the
2 criminal history of a person who was convicted of a misdemeanor offense arising out
3 of the original felony arrest. Only the original felony arrest may be expunged in an
4 interim expungement.

5 (4) "Records" includes any incident reports, photographs, fingerprints,
6 disposition, or any other such information of any kind in relation to a single arrest
7 event in the possession of the clerk of court, any criminal justice agency, and local
8 and state law enforcement agencies but shall not include DNA records. Records
9 shall also include records of an arrest based on a warrant or attachment for failure to
10 appear in court for the same offense or offenses for which the person is seeking an
11 expungement.

12 B. The following courts, throughout their several territorial jurisdictions,
13 shall have authority to expunge records in accordance with this Title:

14 (1) District courts and their commissioners having criminal jurisdiction, in
15 all cases.

16 (2) City or parish courts and municipal and traffic courts of New Orleans
17 having criminal jurisdiction.

18 (3) Mayor's courts and traffic courts in criminal cases within their trial
19 jurisdiction.

20 (4) Juvenile and family courts in criminal cases within their trial jurisdiction.

21 (5) Justices of the peace courts in cases within their trial jurisdiction.

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 479 Engrossed 2023 Regular Session Marino

Abstract: Provides relative to the expungement of records within the jurisdictions of certain courts.

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

Present law provides for definitions relative to expungement of records.

Present law provides that any person may file a motion to expunge a record of arrest.

Proposed law authorizes the following courts, throughout their several jurisdictions, to expunge records:

- (1) District courts and their commissioners having criminal jurisdiction, in all cases.
- (2) City or parish courts and municipal and traffic courts of New Orleans having criminal jurisdiction.
- (3) Mayor's courts and traffic courts in criminal cases within their trial jurisdiction.
- (4) Juvenile and family courts in criminal cases within their trial jurisdiction.
- (5) Justices of the peace courts in cases within their trial jurisdiction.

(Amends C.Cr.P. Art. 972)