
DIGEST

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HB 286 Reengrossed

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 conviction for a first offense possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof 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 also exempts certain applicants from paying any fees.

Proposed law retains present law and adds that the total cost for a person who has been convicted of a misdemeanor conviction for a first offense possession of marijuana shall not exceed \$300.

Proposed law further provides that the nonrefundable processing fees for a court order expunging such record shall be as follows:

- (1) The La. Bureau of Criminal Identification and Information may charge a processing fee of \$50.
- (2) The sheriff may charge a processing fee of \$50.
- (3) The district attorney may charge a processing fee of \$50.
- (4) The clerk of court may charge a processing free of \$150.

Proposed law provides that the \$300 fee shall be null, void, and without effect and shall terminate on Aug. 1, 2026.

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

Proposed law adds an additional form for convictions for a first offense possession of marijuana.

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

Summary of Amendments Adopted by House

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

1. Remove proposed law relative to misdemeanor first offenses of possession of marijuana over 14 grams.
2. Provide that proposed law only applies to misdemeanor first offenses of possession of marijuana of 14 grams or less, pursuant to present law (R.S. 40:966(C)(2)(a)).
3. Remove proposed law relative to the exemption of processing fees for persons convicted of certain misdemeanor offenses for possession of marijuana.
4. Provide for a fee not to exceed \$300 for persons convicted of certain misdemeanor offenses for possession of marijuana.
5. Provide relative to the distribution of the \$300 fee to the La. Bureau of Criminal Identification and Information, the sheriffs, the district attorneys, and the clerks of court.
6. Provide that the \$300 fee shall be null, void, and without effect on Aug. 1, 2026.

The House Floor Amendments to the engrossed bill:

1. Provide that proposed law applies to misdemeanor convictions for a first offense possession of marijuana, tetrahydrocannabinol, or chemical derivatives.