

RÉSUMÉ DIGEST

ACT 454 (SB 111)

2023 Regular Session

Duplessis

Existing law provides for the expungement of records of arrest and misdemeanor and felony convictions in certain circumstances.

New law provides that the effect of an expunged record of arrest or conviction does not limit the subsequent use of the expunged record by a judge, magistrate, or commissioner for the purpose of setting bail or sentencing.

New law provides for automated expungement of qualifying records. New law requires the La. Bureau of Criminal Identification and Information (bureau) to identify within its criminal database all records with a La. Supreme Court Case Management Information System (CMIS) number and final dispositions for individuals eligible for an expungement pursuant to the provisions of existing law.

New law provides that, beginning January 1, 2025, a defendant may submit a request through the bureau for expungement and must provide his name, date of birth, last four digits of his social security number, arrest date, and case number. New law further requires the bureau to send the records with final dispositions for individuals eligible for an expungement to the CMIS within 30 days of the receipt of the request.

New law requires CMIS, within 30 days of receipt of records from the bureau, to send notice by U.S. mail or electronically of all records expunged by automation to the clerks of the district courts. New law further requires the clerks to verify and identify such records as expunged by automation. New law provides that if a clerk is unable to verify and identify any record identified for automatic expungement pursuant to new law, the clerk will notify the CMIS within 30 days of receipt of the original notice pursuant to new law. New law further requires the supreme court to notify the bureau that the record has not been expunged by automation.

New law requires the clerks of the district courts to send notice of all records expunged by automation to the district attorney of the parish of the person's conviction, the sheriff of the parish of the person's conviction, and the arresting agency. New law requires the district attorney, the sheriff, and the arresting agency to acknowledge that the records have been expunged by automation. New law further requires the clerks of the district courts to send notice of all records expunged by automation to the CMIS, which is to mark the records as expunged and notify the bureau by U.S. mail or electronically of all the expunged records, and requires the bureau to mark the records as expunged by automation.

New law authorizes the office of state police to adopt and promulgate rules and regulations to carry out the provisions of new law for criminal records in district courts that date back to January 1, 2006.

New law requires the La. Commission on Law Enforcement (LCLE) to distribute the monies appropriated to each sheriff in the state in proportion to the number of automatic expungements submitted to the sheriff by the clerks of court.

New law becomes effective if an Act or Acts that originated in the 2023 Regular Session of the Legislature make specific appropriations to the office of state police, the La. Supreme Court, the La. Clerks' Remote Access Authority, and the LCLE for the implementation of new law.

(Amends C.Cr.P. Art. 973(E); adds C.Cr.P. Art. 985.2)