

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

---

DIGEST

SB 116 Original

2024 Regular Session

Jackson-Andrews

Present law provides that, when it appears to be in the best interest of the public and of the defendant, the court may suspend the imposition or execution of sentence for conviction of certain noncapital felonies under certain circumstances. Present law further provides that the court cannot suspend the sentence for certain felony convictions under certain circumstances, including certain crimes of violence and sex offenses.

Proposed law retains present law.

Present law authorizes a person to file a motion to expunge his record of arrest and conviction of a felony offense under the following circumstances:

- (1) More than 10 years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole.
- (2) The person has not been convicted of any other criminal offense during the 10-year period.
- (3) The person has no criminal charge pending against him.

Present law requires that the motion for expungement include a certification obtained from the district attorney verifying that the applicant has no convictions during the 10-year period and no pending charges.

Proposed law provides that conviction of a noncapital felony during the 10-year cleansing period, for which the sentence was suspended because it was in the best interest of the public and the defendant, does not bar an expungement.

Proposed law otherwise retains present law.

Present law authorizes the court to order the expungement of the arrest and conviction records of a person pertaining to a conviction of aggravated battery, second degree battery, aggravated criminal damage to property, simple robbery, purse snatching, or illegal use of weapons or dangerous instrumentalities if all of the following conditions are proven by the petitioner:

- (1) More than 10 years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole based on the felony conviction.
- (2) The person has not been convicted of any other criminal offense during the 10-year period.

(3) The person has no criminal charge pending against him.

Present law requires that the motion for expungement include a certification from the district attorney which verifies that the applicant has no convictions during the 10-year period and no pending charges. Present law provides that the motion will be heard by contradictory hearing.

Proposed law provides that conviction of a noncapital felony during the 10-year cleansing period, for which the sentence was suspended because it was in the best interest of the public and the defendant, does not bar an expungement.

Proposed law otherwise retains present law.

Present law provides that the record of arrest and conviction for certain felony offenses, including most crimes of violence, a sex offense against a minor, certain drug offenses, and domestic abuse battery, cannot be expunged.

Proposed law retains present law.

Present law provides a form for the order of expungement to be used by the court.

Proposed law retains present law and adds a provision to conform to proposed law relative to noncapital felony convictions during the 10-year cleansing period that do not bar expungement.

Effective August 1, 2024.

(Amends C.Cr.P. Art. 978(A)(2) and (E)(1)(b) and (2) and 992)