

2024 Regular Session

SENATE BILL NO. 150

BY SENATOR DUPLESSIS

CRIMINAL PROCEDURE. Allows certain offenders to petition the court to vacate a conviction for crime against nature by solicitation under certain circumstances. (8/1/24)

1 AN ACT  
2 To enact Code of Criminal Procedure Art. 930.11, relative to vacating convictions for  
3 certain crime against nature by solicitation offenses, to provide for the filing of a  
4 motion to vacate by the district attorney of the parish where the conviction was  
5 secured; to provide for the filing of a motion to vacate by a convicted individual; to  
6 provide for an evidentiary hearing; and to provide for related matters.  
7 Be it enacted by the Legislature of Louisiana:  
8 Section 1. Code of Criminal Procedure Art.930.11 hereby enacted to read as follows:  
9 **Art. 930.11. Motion to vacate conviction; crime against nature by solicitation**  
10 **A. Any person who was convicted of crime against nature by solicitation**  
11 **prior to August 15, 2010, or the district attorney in the parish where the**  
12 **offender was convicted, may file a motion to vacate the conviction. This**  
13 **Paragraph shall not apply to convictions where the solicited person was under**  
14 **the age of seventeen years.**  
15 **B.(1) The motion shall be accompanied by supporting documentation**  
16 **establishing that the person was convicted under R.S. 14:89(A)(2) prior to**  
17 **August 15, 2010, and that the solicited person was not under the age of**

1           seventeen years.

2                   **(2) A motion filed by the district attorney shall include an affidavit**

3           **establishing that the conviction meets the provisions of Subparagraph (1) of this**

4           **Paragraph and shall be sufficient for the court to grant the motion.**

5                   **C. The district attorney shall be permitted to request an evidentiary**

6           **hearing to challenge any evidence submitted with the motion to vacate.**

7                   **D. A certified copy of the order granting a motion filed pursuant to this**

8           **Article shall be served to the office of state police, the district attorney, and the**

9           **Louisiana Department of Justice.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jonathon Wagner.

	DIGEST	
SB 150 Original	2024 Regular Session	Duplessis

Proposed law provides that any person convicted of a crime against nature by solicitation prior to August 15, 2010, or the district attorney in the parish where the offender was convicted, may file a motion to vacate the conviction. Proposed law does not apply to convictions where the solicited person was under the age of 17 years.

Proposed law provides that the motion to vacate must be accompanied by supporting documentation establishing that the person was convicted prior to August 15, 2010, and that the solicited person was not under the age of 17 years. Proposed law provides that a motion to vacate filed by the district attorney must include an affidavit establishing that the conviction meets the provisions of proposed law relative to the date of conviction and the victim's age and is sufficient for the court to grant the motion.

Proposed law provides that the district attorney is permitted to request an evidentiary hearing to challenge any evidence submitted with the motion to vacate.

Proposed law provides that a certified copy of the order granting a motion filed pursuant to proposed law will be served on the office of state police, the district attorney, and the La. Department of Justice.

Effective August 1, 2024.

(Adds C.Cr.P. Art. 930.11)