

**HOUSE COMMITTEE AMENDMENTS**

2024 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 553 by Representative Bryant

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To" and before the comma "," change "enact Code of Criminal  
3 Procedure Article 999" to "amend and reenact Code of Criminal Procedure Articles 972 and  
4 983(G) and to enact Code of Criminal Procedure Articles 999 and 1000"

5 AMENDMENT NO. 2

6 On page 1, line 3, after "individuals;" and before "and" insert "to provide for a definition;  
7 to provide relative to criteria to receive an expungement; to provide for exceptions; to  
8 provide for duties; to provide for exemption from processing fees; to provide for an  
9 expungement form;"

10 AMENDMENT NO. 3

11 On page 1, line 6, after "Procedure" delete the remainder of the line and insert "Articles 972  
12 and 983(G) are hereby amended and reenacted and Code of Criminal Procedure Articles 999  
13 and 1000 are hereby enacted to read as"

14 AMENDMENT NO. 4

15 On page 1, between lines 7 and 8, insert the following:

16 "Art. 972. Definitions  
17 As used in this Title:  
18 (1) "Expedited expungement" means an order of expungement that a judge  
19 may sign pursuant to Article 999 without the individual filing a motion to expunge  
20 with the clerk of court.  
21 (2) "Expunge a record" means to remove a record of arrest or conviction,  
22 photographs, fingerprints, disposition, or any other information of any kind from  
23 public access pursuant to the provisions of this Title. "Expunge a record" does not  
24 mean destruction of the record.  
25 ~~(2)~~ (3) "Expungement by redaction" provides for the expungement of records  
26 of a person who is arrested or convicted with other persons who are not entitled to  
27 expungement and involves the removal of the name or any other identifying  
28 information of the person entitled to the expungement and otherwise retains the  
29 records of the incident as they relate to the other persons.  
30 ~~(3)~~ (4) "Interim expungement" means to expunge a felony arrest from the  
31 criminal history of a person who was convicted of a misdemeanor offense arising out  
32 of the original felony arrest. Only the original felony arrest may be expunged in an  
33 interim expungement.  
34 ~~(4)~~ (5) "Records" includes any incident reports, photographs, fingerprints,  
35 disposition, or any other such information of any kind in relation to a single arrest  
36 event in the possession of the clerk of court, any criminal justice agency, and local  
37 and state law enforcement agencies but shall not include DNA records. Records  
38 shall also include records of an arrest based on a warrant or attachment for failure to  
39 appear in court for the same offense or offenses for which the person is seeking an  
40 expungement.

41 \* \* \*

42 Art. 983. Costs of expungement of a record; fees; collection; exemptions;  
43 disbursements

44 \* \* \*

1 G. Notwithstanding any other provision of law to the contrary, a the  
2 following individuals shall be exempt from the payment of the processing fees  
3 otherwise authorized by this Article:

4 (1) A juvenile who has successfully completed any juvenile drug court  
5 program operated by a court of this state shall be exempt from payment of the  
6 processing fees otherwise authorized by this Article.

7 (2) A person eligible for an expedited expungement pursuant to Article 999.

8 \* \* \*

9 AMENDMENT NO. 5

10 On page 1, at the beginning of line 9, insert "A."

11 AMENDMENT NO. 6

12 On page 1, line 9, after "the" and before "expungement" change "automatic" to "expedited"

13 AMENDMENT NO. 7

14 On page 1, delete lines 13 and 14 in their entirety and insert the following:

15 "(2) The district attorney, for any reason, declined to prosecute all offenses  
16 arising out of that arrest, including the reason that the person successfully completed  
17 a pretrial diversion program.

18 (3) Prosecution was instituted and such proceedings have been finally  
19 disposed of by dismissal, sustaining of a motion to quash, or acquittal.

20 B. The provisions of this Article shall not apply to any misdemeanor or  
21 felony conviction arising from the incident of arrest or any arrest for a sex offense  
22 as defined in R.S. 15:541.

23 C. The expedited expungement shall be served pursuant to the provisions of  
24 Article 982."

25 AMENDMENT NO. 8

26 On page 1, after line 14, add the following:

27 "Art. 1000. Order form to be used; expedited expungement

28 **JUDICIAL DISTRICT FOR THE PARISH OF**

29 \_\_\_\_\_  
30 **No.:** \_\_\_\_\_ **Division:** " \_\_\_\_\_ "

31 **State of Louisiana**

32 **vs.**

33 \_\_\_\_\_  
34 **ORDER OF EXPUNGEMENT UNDER**  
35 **CODE OF CRIMINAL PROCEDURE ARTICLE 999**

36 Pursuant to Code of Criminal Procedure Article 999, wherein all of the  
37 following applies,

38 (1) The defendant was seventeen years of age when he was arrested or  
39 charged with any criminal offense as provided in Title 14 of the Louisiana Revised  
40 Statutes of 1950.

41 (2) The district attorney, for any reason, declined to prosecute all offenses  
42 arising out of that arrest, including the reason that the person successfully completed  
43 a pretrial diversion program.

1 (3) Prosecution was instituted and such proceedings have been finally  
2 disposed of by dismissal, sustaining of a motion to quash, or acquittal.

3 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the  
4 following charges and arrest on the dates provided herein be expunged upon the  
5 completion of the information below.

6  If there is an objection to the Motion for Expungement, the district attorney  
7 and the arresting law enforcement agency shall file a motion to object within  
8 sixty days of the service of this Order.

9  If the Louisiana Bureau of Criminal Identification and Information objects  
10 to the Motion for Expungement, they shall file a motion within 120 days of  
11 the service of this order (prior to August 1, 2015) and within 60 days of  
12 service of this order (after August 1, 2015).

13  **NO CONTRADICTION HEARING SHALL BE REQUIRED** as  
14 evidenced by the "Affidavit of No Opposition" executed by each agency  
15 named herein and attached to the Motion for Expungement.

16 **THUS ORDERED AND SIGNED, ADJUDGED, AND DECREED** this  
17 day of \_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_, Louisiana,

18 \_\_\_\_\_  
19 \_\_\_\_\_  
20 JUDGE

21 **DEFENDANT INFORMATION:**

22 NAME: \_\_\_\_\_  
23                     First                    Middle                    Last

24 DATE OF BIRTH: \_\_\_\_\_

25 GENDER: \_\_\_\_\_

26 SS# \_\_\_\_\_

27 RACE \_\_\_\_\_

28 DRIVERS LICENSE# \_\_\_\_\_

29 ARRESTING AGENCY \_\_\_\_\_

30 SID# \_\_\_\_\_

31 ARREST NUMBER (ATN) \_\_\_\_\_

32 AGENCY ITEM NO: \_\_\_\_\_"