

2024 Regular Session

HOUSE BILL NO. 553

BY REPRESENTATIVES BRYANT, KNOX, AND MOORE

CRIMINAL/RECORDS: Provides relative to the disposition of certain records for seventeen year old offenders

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 972 and 983(G) and to enact
3 Code of Criminal Procedure Articles 999 and 1000, relative to expungement; to
4 provide for the expungement of arrest records for certain individuals; to provide for
5 a definition; to provide relative to criteria to receive an expungement; to provide for
6 exceptions; to provide for duties; to provide for exemption from processing fees; to
7 provide for an expungement form; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Articles 972 and 983(G) are hereby amended
10 and reenacted and Code of Criminal Procedure Articles 999 and 1000 are hereby enacted to
11 read as follows:

12 Art. 972. Definitions

13 As used in this Title:

14 (1) "Expedited expungement" means an order of expungement that a judge
15 may sign pursuant to Article 999 without the individual filing a motion to expunge
16 with the clerk of court.

17 (2) "Expunge a record" means to remove a record of arrest or conviction,
18 photographs, fingerprints, disposition, or any other information of any kind from
19 public access pursuant to the provisions of this Title. "Expunge a record" does not
20 mean destruction of the record.

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Define the term "expedited expungement".
3. Exempt a person who is eligible for an expedited expungement from the expungement fees provided in present law.
4. Change the term "automatic expungement" to "expedited expungement".
5. Removes proposed law criteria for an expedited expungement relative to the dismissal or entry of nolle prosequi of a charge forming the basis of an arrest.
6. Add the following eligibility criteria for an expedited expungement:
 - (a) The district attorney, for any reason, declined to prosecute all offenses arising out of that arrest, including the reason that the person successfully completed a pretrial diversion program.
 - (b) Prosecution was instituted and such proceedings have been finally disposed of by dismissal, sustaining of a motion to quash, or acquittal.
7. Clarify that a person is not eligible for an expedited expungement if any misdemeanor or felony conviction arises from the incident of his arrest or if he is arrested for any sex offense.
8. Clarify that the expedited expungement shall be served pursuant to the provisions of present law.
9. Add an expungement form for expedited expungements.