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## DIGEST

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HB 553 Engrossed

2024 Regular Session

Bryant

**Abstract:** Provides relative to the expungement of arrest records for certain offenders.

Present law (C.Cr.P. Art. 972) provides for definitions.

Proposed law retains present law and provides a definition for "expedited expungement".

Present law (C.Cr.P. Art. 983) provides for costs of expungements.

Proposed law retains present law generally and exempts a person who is eligible for an expedited expungement from the expungement fees provided in present law.

Proposed law (C.Cr.P. Art. 999) provides that a person shall be entitled to the expedited expungement of his arrest, at no cost to him, if he meets all of the following:

- (1) He is 17 years of age when he is arrested or charged with any criminal offense as provided in present law (Title 14 of the La. Rev. Statutes of 1950).
- (2) 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.
- (3) Prosecution was instituted and such proceedings have been finally disposed of by dismissal, sustaining of a motion to quash, or acquittal.

Proposed law does not apply to any misdemeanor or felony conviction arising from the incident of arrest or any arrest for a sex offense as defined in present law (R.S. 15:541).

Proposed law provides that the expedited expungement shall be served pursuant to the provisions of present law (C.Cr.P. Art. 982).

Proposed law (C.Cr.P. Art. 1000) adds an expungement form for expedited expungements.

(Amends C.Cr.P. Arts. 972 and 983(G); Adds C.Cr.P. Arts. 999 and 1000)

## 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.