

2024 Regular Session

HOUSE BILL NO. 553

BY REPRESENTATIVES BRYANT, BOYD, CARPENTER, WILFORD CARTER, CHASSION, FISHER, GREEN, JACKSON, TRAVIS JOHNSON, KNOX, LAFLEUR, MARCELLE, MENA, MOORE, NEWELL, SELDERS, TAYLOR, AND WALTERS

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 999.1, 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 999.1 are hereby enacted
11 to 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.

1 4. Louisiana Bureau of Criminal Identification and Information

2 _____

3 5. Attorney for Defendant (or defendant)_____

4 6. Clerk of Court_____

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 553 Reengrossed

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 or 40 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.

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 999.1)

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. Remove 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.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Add that a person who is 17 years of age when he is arrested or charged with any criminal offense as provided in Title 40 of the La. Rev. Statutes of 1950 shall be entitled to the expedited expungement of his arrest, at no cost to him, if he meets all of the applicable criteria.
3. Make expungements pursuant to proposed law applicable to an arrest for a sex offense as defined in present law (R.S. 15:541).
4. Relative to the expungement form for expedited expungements, remove proposed law relative to the following:
 - (a) Objection to the Motion for Expungement.
 - (b) The applicability of a contradictory hearing.
5. Relative to the expungement form for expedited expungements, provide that service shall be made on the following:
 - (a) The district attorney.
 - (b) The arresting agency.
 - (c) The parish sheriff.
 - (d) The La. Bureau of Criminal Identification and Information.

- (e) The attorney for the defendant (or the defendant).
- (f) The clerk of court.