

2024 Regular Session

SENATE BILL NO. 116

BY SENATOR JACKSON-ANDREWS

CRIMINAL RECORDS. Provides relative to the expungement of felony convictions.  
(8/1/24)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 992 and to enact Code of Criminal  
3 Procedure Art. 978(F), relative to expungement of records; to provide for the  
4 expungement of a felony record with another felony conviction during the ten-year  
5 cleansing period under certain circumstances; to provide relative to expungement  
6 forms; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Art. 992 is hereby amended and reenacted and  
9 Code of Criminal Procedure Art. 978(F) is hereby enacted to read as follows:

10 Art. 978. Motion to expunge record of arrest and conviction of a felony offense

11 \* \* \*

12 **F. A person shall be eligible to have more than one felony conviction**  
13 **expunged in a ten-year period if each felony is eligible for expungement under**  
14 **the provisions of this Article. Nothing in this Subsection shall allow more than**  
15 **one expungement for the crimes of aggravated battery, second degree battery,**  
16 **aggravated criminal damage to property, or illegal use of weapons or dangerous**  
17 **instrumentalities in a ten-year period.**

\* \* \*

Art. 992. Order of expungement form to be used

**STATE OF LOUISIANA**

**JUDICIAL DISTRICT FOR THE PARISH OF**

No.: \_\_\_\_\_

Division: " \_\_\_\_\_ "

**State of Louisiana**

vs.

**ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD**

Considering the Motion for Expungement

- The hearing conducted and evidence adduced herein, OR
- Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

THE MOTION IS DENIED for No(s).                    for the following reasons (check all that apply):

- More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.
- More than ten years have not elapsed since Mover completed the felony conviction sentence.
- Mover was convicted of one of the following ineligible felony offenses:
  - A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.
  - An offense currently listed as a sex offense that requires registration pursuant to R.S. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.
  - An offense defined or enumerated as a "crime of violence" pursuant to R.S. 14:2(B) at the time the Motion was filed.
  - The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).
  - Mover was convicted of a misdemeanor which arose from circumstances involving a sex offense as defined in R.S. 15:541.
  - Mover was convicted of misdemeanor offense of domestic abuse battery which was not dismissed pursuant to C.Cr.P. Art. 894(B).

- 1            Mover did not complete pretrial diversion.
- 2            The charges against the mover were not dismissed or refused.
- 3            Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art.
- 4                               893(E).
- 5            Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art.
- 6                               894(B).
- 7            Mover completed a DWI pretrial diversion program, but five years have not elapsed
- 8                               since the mover's date of arrest.
- 9            Mover's conviction for felony carnal knowledge of a juvenile is not defined as
- 10                              misdemeanor carnal knowledge of a juvenile had the mover been convicted on or after
- 11                              August 15, 2001.
- 12            Mover was not convicted of a crime that would be eligible for expungement as
- 13                              required by C.Cr.P. Art. 978(E)(1).
- 14            Mover has criminal charges pending against him.
- 15            Mover was convicted of a criminal offense during the ten-year period, **excluding any**
- 16                              **noncapital felony during the preceding ten-year period that would otherwise be**
- 17                              **eligible for expungement pursuant to C.Cr.P. Art. 978(F).**
- 18            Mover received a first offender pardon but for an ineligible offense.
- 19            Mover did not receive a first offender pardon.
- 20            Denial for any other reason provided by law with attached reasons for denial.
- 21            **THE MOTION IS HEREBY GRANTED** for No(s). \_\_\_\_\_ and all agencies
- 22                              are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any
- 23                              other such information of any kind maintained in connection with the Arrest(s)/Conviction(s)
- 24                              in the above-captioned matter, which record shall be confidential and no longer considered a
- 25                              public record, nor be available to other persons except a prosecutor, member of a law
- 26                              enforcement agency, or a judge who may request such information in writing certifying that such
- 27                              request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the
- 28                              purpose of any other statutorily defined law enforcement or administrative duties, or for the
- 29                              purpose of the requirements of sex offender registration and notification pursuant to the
- 30                              provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for good
- 31                              cause shown, or as otherwise authorized by law.
- 32            **THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY**
- 33           **REDACTION** If the record includes more than one individual and the mover is entitled to expungement
- 34                              by redaction pursuant to Code of Criminal Procedure Article 985, for No(s). \_\_\_\_\_ and all
- 35                              agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any
- 36                              other such information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the above-
- 37                              captioned matter as they relate to the mover only. The record shall be confidential and no longer

1 considered a public record, nor be available to other persons except a prosecutor, member of a law  
 2 enforcement agency, or a judge who may request such information in writing certifying that such request  
 3 is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other  
 4 statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex  
 5 offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order  
 6 of this Court to any other person for good cause shown, or as otherwise authorized by law.

7 NAME: \_\_\_\_\_  
 8 (Last, First, MI)

10 DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

12 GENDER: \_\_\_\_ Female \_\_\_\_ Male

14 SSN (last 4 digits): XXX-XX-\_\_\_\_\_

16 RACE: \_\_\_\_\_

18 DRIVER LIC.# \_\_\_\_\_

20 ARRESTING AGENCY: \_\_\_\_\_

22 SID# (if available): \_\_\_\_\_

24 ARREST NUMBER (ATN): \_\_\_\_\_

26 AGENCY ITEM NUMBER: \_\_\_\_\_

28 ARREST DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

31 **THUS ORDERED AND SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

33 at \_\_\_\_\_, Louisiana.

36 \_\_\_\_\_  
 37 JUDGE

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**PLEASE SERVE:**

- 1. District Attorney: \_\_\_\_\_
- 2. Arresting Agency: \_\_\_\_\_
- 3. Parish Sheriff: \_\_\_\_\_
- 4. Louisiana Bureau of Criminal Identification and Information \_\_\_\_\_
- 5. Attorney for Defendant (or defendant) \_\_\_\_\_
- 6. Clerk of Court \_\_\_\_\_

The original instrument was prepared by Alden A. Clement Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jonathon Wagner.

DIGEST

SB 116 Engrossed

2024 Regular Session

Jackson-Andrews

Present law authorizes a person to file a motion to expunge his record of arrest and conviction of a felony offense under the following circumstances:

- (1) More than 10 years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole.
- (2) The person has not been convicted of any other criminal offense during the 10-year period.
- (3) The person has no criminal charge pending against him.

Present law requires that the motion for expungement include a certification obtained from the district attorney verifying that the applicant has no convictions during the 10-year period and no pending charges.

Proposed law provides that a person is eligible to have more than one felony expunged in a 10-year period if each is otherwise eligible for expungement under present law.

Proposed law otherwise retains present law.

Present law provides a form for the order of expungement to be used by the court.

Proposed law retains present law and adds a provision to conform to proposed law relative to noncapital felony convictions during the preceding 10-year period that do not bar expungement.

Effective August 1, 2024.

(Amends C.Cr.P. Art. 992, adds C.Cr.P. Art. 978(F))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Allow a person to have multiple felonies expunged if each felony is independently eligible for expungement.
2. Change present law form to allow felonies eligible for expungement under proposed law to be expunged.