

2024 Regular Session

HOUSE BILL NO. 416

BY REPRESENTATIVES JORDAN, CARPENTER, WILFORD CARTER, CHASSION, COX, FISHER, FREEMAN, GREEN, HUGHES, JACKSON, KNOX, LAFLEUR, LARVADAIN, LYONS, MOORE, NEWELL, ORGERON, PHELPS, SELDERS, TAYLOR, WALTERS, AND WILLARD

CRIMINAL/RECORDS: Provides relative to expungement of criminal records

1 AN ACT

2 To enact Code of Criminal Procedure Articles 983(N) and 985.3, relative to expungement
3 of criminal records; to provide for a court-ordered immediate expungement in certain
4 cases; to provide for an exception to the cost of expungement of a record; to provide
5 for the applicable expungement form to be used; to provide relative to service and
6 contents of the immediate expungement; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Articles 983(N) and 985.3 are hereby enacted
9 to read as follows:

10 Art. 983. Costs of expungement of a record; fees; collection; exemptions;
11 disbursements

12 * * *

13 N. Notwithstanding any other provision of law to the contrary, a person who
14 is eligible for an immediate expungement pursuant to the provisions of Article 985.3
15 shall be exempt from payment of the processing fees otherwise authorized by this
16 Article.

17 * * *

18 Art. 985.3. Immediate expungement; judicial discretion

19 A. The court may order the immediate expungement of the record of the
20 arrest and conviction of the violation that necessitated participation in the probation

1 or program by a person who is otherwise eligible for an expungement upon the
2 successful completion of a court-ordered probation or alternative sentencing
3 program.

4 B. Only the form provided in Article 992 shall be used to expunge the record
5 of a person who is otherwise eligible for an expungement upon the successful
6 completion of a court-ordered probation or alternative sentencing program.

7 C. The immediate expungement shall be served pursuant to the provisions
8 of Article 982 and shall include the court record with the signed order with all of the
9 following:

10 (1) The bill of information.

11 (2) The sentencing minutes.

12 (3) Any documents or records relevant to the arrest incident and plea
13 agreements, if available.

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 416 Reengrossed

2024 Regular Session

Jordan

Abstract: Provides for an immediate expungement of certain criminal records under certain circumstances.

Present law provides for the expungement of criminal records for certain offenders and provides conditions for obtaining an expungement.

Proposed law retains present law.

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

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

Proposed law adds that the court may order the immediate expungement of the arrest and conviction of the violation that necessitated participation in the probation or program for a person who is otherwise eligible for an expungement upon the successful completion of a court-ordered probation or alternative sentencing program.

Proposed law provides that only the form provided in present law (C.Cr.P. Art. 992) shall be used to expunge the record of a person who is otherwise eligible for an expungement upon the successful completion of a court-ordered probation or alternative sentencing program.

Proposed law provides that the immediate expungement shall be served pursuant to the provisions of present law (C.Cr.P. Art. 982) and shall include the court record with the signed order with all of the following:

- (1) The bill of information.
- (2) The sentencing minutes.
- (3) Any documents or records relevant to the arrest incident and plea agreements, if available.

(Adds C.Cr.P. Arts. 983(N) and 985.3)

Summary of Amendments Adopted by House

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

1. Clarify that the expungement is "immediate" rather than "automatic".

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Specify that a court may order the immediate expungement of the arrest and conviction of the violation that necessitated participation in the probation or program.
3. Provide the expungement form to be used.
4. Provide for service of the immediate expungement pursuant to present law (C.Cr.P. Art. 982) and specify what information is to be included within the signed order.
5. Exempt a person who is eligible for an immediate expungement from the expungement fees provided in present law.