

CONFERENCE COMMITTEE REPORT

SB 116

2024 Regular Session

Jackson-Andrews

May 31, 2024

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 116 by Senator Jackson-Andrews, recommend the following concerning the Engrossed bill:

- 1. That all House Floor Amendments proposed by Representative Johnson and adopted by the House of Representatives on May 29, 2024, be rejected.
- 2. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "Art." insert "978(A)(2) and"

AMENDMENT NO. 2

On page 1, line 8, after "Art." delete "992 is" and insert "978(A)(2) and 992 are"

AMENDMENT NO. 3

On page 1, between lines 10 and 11, insert:

"A. Except as provided in Paragraph B of this Article, a person may file a motion to expunge his record of arrest and conviction of a felony offense if any of the following apply:

\* \* \*

(2) More than ten years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole based on the felony conviction, and the person has not been convicted of any other criminal offense ~~during the ten-year~~ **for a period; of at least ten years preceding the motion** and has no criminal charge pending against him. The motion filed pursuant to this Subparagraph shall include a certification obtained from the district attorney which verifies that, to his knowledge, the applicant has no convictions during the ten-year period **immediately preceding the motion**, and no pending charges under a bill of information or indictment."

AMENDMENT NO. 4

On page 1, line 14, after "Article." delete the remainder of the line and delete lines 15 through 17

Respectfully submitted,

Senators:

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Senator Katrina R. Jackson-Andrews

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Senator John C. "Jay" Morris III

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Senator Caleb Kleinpeter

Representatives:

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Representative C. Travis Johnson

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Representative Debbie Villio

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Representative Tony Bacala

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The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jonathon Wagner.

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## CONFERENCE COMMITTEE REPORT DIGEST

SB 116

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### Keyword and summary of the bill as proposed by the Conference Committee

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

#### Report rejects House amendments which would have:

1. Added provisions relative to filing a motion for expungement after 10 years since completion of sentence, deferred adjudication, or period of probation or parole and for certification by the district attorney.

#### Report amends the bill to:

1. Make technical changes.
2. Provide that a person seeking expungement of a felony conviction has not been convicted of any other criminal offense for a period of 10 years immediately preceding the motion for expungement.
3. Delete proposed law prohibiting more than one expungement for certain offenses.

#### Digest of the bill as proposed by the Conference Committee

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 requires no felony conviction during the 10-year period immediately preceding the motion to expunge.

Proposed law further provides that a person is eligible to have more than one felony conviction expunged in a 10-year period if each conviction 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. 978(A)(2) and 992; adds C.Cr.P. Art. 978(F))