

FOR OFFICE USE ONLY	

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Lopinto to Engrossed House Bill No. 55 by Representative Lopinto

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S. 44:4.1(38),
3 to"

4 AMENDMENT NO. 2

5 On page 2, line 2, after "records;" and before "and" insert "to provide for exceptions to the
6 public records law;"

7 AMENDMENT NO. 3

8 On page 2, line 15, following "Transportation" and before "Act" insert "Security"

9 AMENDMENT NO. 4

10 On page 3, between lines 16 and 17, insert the following:

11 "(3) "Interim expungement" means to expunge a felony arrest from the
12 criminal history of a person who was convicted of a misdemeanor offense arising out
13 of the original felony arrest. Only the original felony arrest may be expunged in an
14 interim expungement."

15 AMENDMENT NO. 5

16 On page 3, line 17, change "(3)" to "(4)"

17 AMENDMENT NO. 6

18 On page 4, line 2, change "R.S. 15:541" to "R.S. 15:540"

19 AMENDMENT NO. 7

20 On page 4, between lines 5 and 6, insert the following:

21 "(4) To a member of a law enforcement or criminal justice agency,
22 prosecutor, or judge, who requests that information in writing, certifying that the
23 request is for the purpose of defending a law enforcement, criminal justice agency,
24 or prosecutor in a civil suit for damages resulting from wrongful arrest or other civil
25 litigation and the expunged record is necessary to provide a proper defense."

26 AMENDMENT NO. 8

27 On page 4, line 6, change "(4)" to "B."

1 AMENDMENT NO. 9

2 On page 4, at the end of line 17, change "statute." to "law."

3 AMENDMENT NO. 10

4 On page 4, line 18, change "B." to "C."

5 AMENDMENT NO. 11

6 On page 4, delete lines 22 through 29 in their entirety and on page 5, delete lines 1 through
7 4 in their entirety and insert the following:

8 "D. Any person who fails to maintain the confidentiality of records as
9 required by the provisions of this Article shall be subject to contempt proceedings.

10 E. Nothing in this Article shall be construed to limit or impair in any way the
11 subsequent use of any expunged record of any arrests or convictions by a law
12 enforcement agency, criminal justice agency, or prosecutor including its use as a
13 predicate offense, for the purposes of the Habitual Offender Law, or as otherwise
14 authorized by law.

15 F. Nothing in this Article shall be construed to limit or impair the authority
16 of a law enforcement official to use an expunged record of any arrests or convictions
17 in conducting an investigation to ascertain or confirm the qualifications of any
18 person for any privilege or license as required or authorized by law.

19 G. Nothing in this Article shall be construed to limit or impair in any way
20 the subsequent use of any expunged record of any arrests or convictions by a "news-
21 gathering organization". For the purposes of this Title, "news-gathering
22 organization" means all of the following:

23 (1) A newspaper, or news publication, printed or electronic, of current news
24 and intelligence of varied, broad, and general public interest, having been published
25 for a minimum of one year and that can provide documentation of membership in a
26 statewide or national press association, as represented by an employee thereof who
27 can provide documentation of his employment with the newspaper, wire service, or
28 news publication.

29 (2) A radio broadcast station, television broadcast station, cable television
30 operator, or wire service as represented by an employee thereof who can provide
31 documentation of his employment."

32 AMENDMENT NO. 12

33 On page 5, line 5, change "F." to "H."

34 AMENDMENT NO. 13

35 On page 5, delete lines 9 through 28 in their entirety and on page 6, delete lines 1 through
36 5 in their entirety and insert the following:

37 "A. A private third-party entity, excluding a news-gathering organization,
38 that compiles and disseminates criminal history information for compensation shall
39 not disseminate any information in its possession regarding an arrest, conviction, or
40 other disposition after it has received notice of an issuance of a court order to
41 expunge the record of any such arrest or conviction. The provisions of this
42 Paragraph shall not apply to private third-party entities which are regulated by the
43 Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) or the Gramm-Leach-Bliley Act
44 (15 U.S.C. 6801-6809).

45 B. The person obtaining the expungement shall send notice of the order of
46 expungement by certified or registered mail with return receipt requested and a
47 certified copy of the order of expungement.

1 C. A private third-party entity that publicly disseminates criminal history
2 information in violation of this Article after having received notice as provided for
3 in Paragraph B of this Article, may be liable for any actual damages, court costs, and
4 attorney fees that are incurred by the person whose criminal history was
5 disseminated."

6 AMENDMENT NO. 14

7 On page 6, line 6, after "incarcerated" insert a semi colon ":" and delete the remainder of the
8 line

9 AMENDMENT NO. 15

10 On page 6, line 7, delete "and Corrections;"

11 AMENDMENT NO. 16

12 On page 6, line 27, after "aside" delete the comma ","

13 AMENDMENT NO. 17

14 On page 7, line 2, after "parole," and before "the" insert "and"

15 AMENDMENT NO. 18

16 On page 7, at the end of line 3, change "criminal" to "felony"

17 AMENDMENT NO. 19

18 On page 7, line 5, after "that" delete the comma ","

19 AMENDMENT NO. 20

20 On page 7, line 6, after "knowledge" delete the comma ","

21 AMENDMENT NO. 21

22 On page 7, line 11, after "record" delete the remainder of the line and delete line 12 in its
23 entirety and insert "under either of the following circumstances:"

24 AMENDMENT NO. 22

25 On page 7, line 17, after "battery" delete the comma ","

26 AMENDMENT NO. 23

27 On page 8, line 5, after "conviction," and before "the" insert "and"

28 AMENDMENT NO. 24

29 On page 8, line 14, after "offenses" insert a colon ":" and delete the remainder of the line

30 AMENDMENT NO. 25

31 On page 8, delete lines 15 through 21 in their entirety and insert the following:

32 "(1) Unless otherwise permissible under Code of Criminal Procedure Article
33 893(E), a crime of violence as defined by or enumerated in R.S. 14:2(B).

1 (2)(a) Notwithstanding any provision of Code of Criminal Procedure Article
2 893, a sex offense or a criminal offense against a victim who is a minor as each term
3 is defined by R.S. 15:541, or any offense which occurred prior to June 18, 1992, that
4 would be defined as a sex offense or a criminal offense against a victim who is a
5 minor had it occurred on or after June 18, 1992."

6 AMENDMENT NO. 26

7 On page 9, line 3, after "(3)" and before "violation" delete "A" and insert "Unless otherwise
8 permissible under Code of Criminal Procedure Article 893(E), a"

9 AMENDMENT NO. 27

10 On page 9, line 14, after "by" and before "mail" insert "U.S."

11 AMENDMENT NO. 28

12 On page 9, line 15, after "or" and before "upon" delete "electronic mail" and insert
13 "electronically"

14 AMENDMENT NO. 29

15 On page 9, line 20, change "Article 979(A)" to "Article 979"

16 AMENDMENT NO. 30

17 On page 10, at the end of line 9, add "If an objection is timely filed, the district attorney shall
18 file a motion and order setting the matter for a contradictory hearing. A notice of hearing
19 shall be served on the defendant and those persons provided for in Code of Criminal
20 Procedure Article 979."

21 AMENDMENT NO. 31

22 On page 10, line 12, change "Article 979(A)" to "Article 979"

23 AMENDMENT NO. 32

24 On page 10, line 16, change "Article 979(A)" to "Article 979"

25 AMENDMENT NO. 33

26 On page 10, line 23, change "Article 979(A) or 982(A)" to "Article 979 or 982"

27 AMENDMENT NO. 34

28 On page 10, line 27, after "record" and before "upon" insert "by U.S. mail or electronically"

29 AMENDMENT NO. 35

30 On page 11, delete line 1 in its entirety

31 AMENDMENT NO. 36

32 On page 11, line 2 change "(4)" to "(3)"

33 AMENDMENT NO. 37

34 On page 11, line 3, change "(5)" to "(4)"

1 AMENDMENT NO. 38

2 On page 11, delete lines 25 and 26 in their entirety

3 AMENDMENT NO. 39

4 On page 11, line 27, delete "(1)" and insert "D.(1)" and after "shall" and before "direct"
5 insert "immediately"

6 AMENDMENT NO. 40

7 On page 12, line 3, after "shall" and before "direct" insert "immediately"

8 AMENDMENT NO. 41

9 On page 12, line 23, after "was" and before "prosecuted" delete "never" and insert "not"

10 AMENDMENT NO. 42

11 On page 12, line 26, after "applicant" and before "determined" delete "has been" and insert
12 "was"

13 AMENDMENT NO. 43

14 On page 13, delete line 10 in its entirety and insert "motor vehicles, that the person has
15 complied with the requirements of this Article. The certified letter shall"

16 AMENDMENT NO. 44

17 On page 13, line 18, after "Proof" and before "requirements" delete "of the" and insert "that
18 the defendant meets the"

19 AMENDMENT NO. 45

20 On page 14, line 17, after "expunge" and before "from" delete "an arrest" and insert "a
21 felony arrest which results in a misdemeanor conviction"

22 AMENDMENT NO. 46

23 On page 14, at the end of line 28, after "990," delete the remainder of the line and insert
24 "991, 992, 993, 994, and 995"

25 AMENDMENT NO. 47

26 On page 15, line 1, after "a conviction" insert a comma "," and delete the remainder of the
27 line and delete line 2 in its entirety and insert "for the expungement of a record of arrest and
28 conviction of a misdemeanor or felony offense, or for an interim motion to expunge a felony
29 offense which resulted in a misdemeanor conviction."

30 AMENDMENT NO. 48

31 On page 21, delete line 1 in its entirety

32 AMENDMENT NO. 49

33 On page 21, line 20, change "OFFENSE" to "ITEM NO."

- 1 If there is an objection to the Motion for Expungement, the district attorney
- 2 and the arresting law enforcement agency shall file a motion to object within
- 3 thirty days of the service of this Order.
- 4 If the Louisiana Bureau of Criminal Identification and Information objects
- 5 to the Motion for Expungement, they shall file a motion within 120 days of
- 6 the service of this order (prior to August 1, 2015) and within 60 days of
- 7 service of this order (after August 1, 2015)."

8 AMENDMENT NO. 62

9 On page 26, delete line 17 in its entirety

10 AMENDMENT NO. 63

11 On page 26, at the beginning line 18, change "4." to "3." and insert "" at the end of the line

12 AMENDMENT NO. 64

13 On page 27, line 2, after "for" and before "the" insert "Item(s) No. _____"

14 AMENDMENT NO. 65

15 On page 28, line 8, after "**GRANTED**" and before "and" insert "for Item(s) No.

16 _____"

17 AMENDMENT NO. 66

18 On page 28, delete line 29 in its entirety

19 AMENDMENT NO. 67

20 On page 29, line 2, following "Louisiana" and before "." delete the comma "," and "this

21 ___ day of ___, 20 ___"

22 AMENDMENT NO. 68

23 On page 29, delete line 8 in its entirety

24 AMENDMENT NO. 69

25 On page 29, line 9, change "4." to "3."

26 AMENDMENT NO. 70

27 On page 29, line 10, change "5." to "4."

28 AMENDMENT NO. 71

29 On page 29, delete line 11 in its entirety and insert "5. Attorney for Defendant (or

30 defendant)_____"

31 AMENDMENT NO. 72

32 On page 29, delete line 12 in its entirety

33 AMENDMENT NO. 73

34 On page 29, line 16, change "OFFENSE" to "ITEM NO."

1 AMENDMENT NO. 74

2 On page 29, line 24, change "~~OFFENSE~~" to "ITEM NO."

3 AMENDMENT NO. 75

4 On page 29, line 32, change "~~OFFENSE~~" to "ITEM NO."

5 AMENDMENT NO. 76

6 On page 29, line 40, change "~~OFFENSE~~" to "ITEM NO."

7 AMENDMENT NO. 77

8 On page 30, line 1, change "~~OFFENSE~~" to "ITEM NO."

9 AMENDMENT NO. 78

10 On page 30, line 9, change "~~OFFENSE~~" to "ITEM NO."

11 AMENDMENT NO. 79

12 On page 30, line 19, change "~~OFFENSE~~" to "ITEM NO."

13 AMENDMENT NO. 80

14 On page 30, line 25, change "~~OFFENSE~~" to "ITEM NO."

15 AMENDMENT NO. 81

16 On page 30, line 31, change "~~OFFENSE~~" to "ITEM NO."

17 AMENDMENT NO. 82

18 On page 30, line 37, change "~~OFFENSE~~" to "ITEM NO."

19 AMENDMENT NO. 83

20 On page 30, line 43, change "~~OFFENSE~~" to "ITEM NO."

21 AMENDMENT NO. 84

22 On page 31, line 1, change "~~OFFENSE~~" to "ITEM NO."

23 AMENDMENT NO. 85

24 On page 31, line 7, change "~~OFFENSE~~" to "ITEM NO."

25 AMENDMENT NO. 86

26 On page 31, line 13, change "~~OFFENSE~~" to "ITEM NO."

27 AMENDMENT NO. 87

28 On page 31, line 19, change "~~OFFENSE~~" to "ITEM NO."

29 AMENDMENT NO. 88

30 On page 31, line 27, change "~~OFFENSE~~" to "ITEM NO."

1 AMENDMENT NO. 89

2 On page 31, line 33, change "OFFENSE" to "ITEM NO."

3 AMENDMENT NO. 90

4 On page 31, line 39, change "OFFENSE" to "ITEM NO."

5 AMENDMENT NO. 91

6 On page 32, line 1, change "OFFENSE" to "ITEM NO."

7 AMENDMENT NO. 92

8 On page 32, line 7, change "OFFENSE" to "ITEM NO."

9 AMENDMENT NO. 93

10 On page 32, line 13, change "OFFENSE" to "ITEM NO."

11 AMENDMENT NO. 94

12 On page 32, line 19, change "OFFENSE" to "ITEM NO."

13 AMENDMENT NO. 95

14 On page 32, line 25, change "OFFENSE" to "ITEM NO."

15 AMENDMENT NO. 96

16 On page 32, line 31, change "OFFENSE" to "ITEM NO."

17 AMENDMENT NO. 97

18 On page 33 delete line 14 in its entirety

19 AMENDMENT NO. 98

20 On page 33, line 16, after "to" and before "the" delete "expunge" and insert "an interim
21 expungement of"

22 AMENDMENT NO. 99

23 On page 34, line 3, change "OFFENSE" to "ITEM NO."

24 AMENDMENT NO. 100

25 On page 34, delete lines 13 through 17 in their entirety and insert the following:

26 "The mover prays that if there is no objection timely filed by the arresting law
27 enforcement agency, the District Attorney's Office, or the Louisiana Bureau of
28 Criminal Identification and Information, that an order be issued herein ordering the
29 Louisiana Bureau of Identification and Investigation to expunge the entry of the
30 felony charge(s) listed contained in the criminal history; and further that the Clerk of
31 Court, District Attorney, and arresting law enforcement agency expunge the entry of
32 those felony charge(s) from any public indices."

1 AMENDMENT NO. 101

2 On page 35, between lines 4 and 5, insert the following:

3 **"PLEASE SERVE:**

- 4 1. District Attorney _____
- 5 2. Louisiana Bureau of Criminal Identification and Information _____
- 6 3. Arresting Agency _____"

7 AMENDMENT NO. 102

8 On page 35, after line 36, insert the following:

9 **"PLEASE SERVE:**

- 10 1. District Attorney _____
- 11 2. Louisiana Bureau of Criminal Identification and Information _____
- 12 3. Arresting Agency _____"

13 Section 2. R.S. 44:4.1(B)(38) is hereby amended and reenacted to read as follows:

14 §4.1. Exceptions

15 * * *

16 B. The legislature further recognizes that there exist exceptions, exemptions,
17 and limitations to the laws pertaining to public records throughout the revised statutes
18 and codes of this state. Therefore, the following exceptions, exemptions, and
19 limitations are hereby continued in effect by incorporation into this Chapter by
20 citation:

21 * * *

22 (38) C.Cr.P. Art. 103, 877, 894, Title XXXIV of the Code of Criminal
23 Procedure comprised of Articles 971 through 995.

24 * * *"

25 AMENDMENT NO. 103

26 On page 35, line 37, change "Section 2." to "Section 3."

27 AMENDMENT NO. 104

28 On page 36, delete lines 1 through 4 in their entirety

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.