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 DIGEST

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SB 27 Reengrossed

2015 Regular Session

Broome

Present law authorizes a person to file a motion to expunge his record of arrest and conviction of a misdemeanor offense if either of the following occur:

- (1) The conviction was set aside and the prosecution was dismissed pursuant to present law.
- (2) More than five years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole, and the person has not been convicted of any felony offense during the five-year period, and has no felony charge pending against him.

Present law prohibits the expungement of a record if the misdemeanor conviction was for domestic abuse battery which was not dismissed pursuant to present law.

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

- (1) The conviction was set aside and the prosecution was dismissed pursuant to present law.
- (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 period, and has no criminal charge pending against him.

Proposed law amends present law to prohibit the expungement of records of all misdemeanor and felony convictions of domestic abuse battery regardless of whether the conviction was set aside or dismissed.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.Cr.P. Art. 977(C)(2); Adds C.Cr.P. Art. 978(B)(4))

Summary of Amendments Adopted by Senate

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

1. Prohibits the application of present law relative to setting aside of a conviction under certain circumstances to a conviction for domestic abuse battery.
2. Deletes provisions of proposed law that would prohibit sentence on conviction of domestic abuse battery from being suspended.

Senate Floor Amendments to engrossed bill

1. Makes Legislative Bureau technical changes.

Summary of Amendments Adopted by House

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

1. Remove provision which prohibits a court from setting aside a misdemeanor conviction and dismissing prosecution for domestic abuse battery.
2. Add provisions which prohibit the expungement of records of misdemeanor and felony domestic abuse battery convictions.