

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 27

2015 Regular Session

Broome

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

DOMESTIC VIOLENCE. Prohibits expungement of a conviction for domestic abuse battery. (giv sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE 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.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

SB 27 Reengrossed

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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.
- (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.

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.
- (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 prohibits the expungement of records of all misdemeanor and felony convictions of domestic abuse battery.

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))

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