

2016 Regular Session

HOUSE BILL NO. 478

BY REPRESENTATIVE IVEY

CRIMINAL/RECORDS: Provides with respect to methods of requesting expunged records by law enforcement officers

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 973(A)(1), relative to
3 expungement of criminal records; to provide relative to the method by which law
4 enforcement officers may request expunged records; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 973(A)(1) is hereby amended and
8 reenacted to read as follows:

9 Art. 973. Effect of expunged record of arrest or conviction

10 A. An expunged record of arrest or conviction shall be confidential and no
11 longer considered to be a public record and shall not be made available to any person
12 or other entity except for the following:

13 (1) To a member of a law enforcement or criminal justice agency or
14 prosecutor who shall request that information ~~in writing~~, certifying that the request
15 is for the purpose of investigating, prosecuting, or enforcing criminal law, for the
16 purpose of any other statutorily defined law enforcement or administrative duties,
17 or for the purposes of the requirements of sex offender registration and notification
18 pursuant to the provisions of R.S. 15:540 et seq.

19 * * *

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 478 Original

2016 Regular Session

Ivey

Abstract: Deletes the requirement that a request for expunged records by law enforcement officers be made in writing.

Present law allows a law enforcement officer, criminal justice agency, or prosecutor to obtain expunged records for investigative and other purposes but requires that such a request be made in writing.

Proposed law removes the requirement that the request for expungement records be made in writing.

(Amends C.Cr.P. Art. 973(A)(1))