

2018 Regular Session

HOUSE BILL NO. 196

BY REPRESENTATIVE MARINO

CRIMINAL/RECORDS: Removes the limitation on the number of expungements a person may receive for persons seeking an expungement under certain circumstances

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 978(D), relative to expungement  
3 of records of arrest and conviction of a felony offense; to provide relative to the limit  
4 on the number of expungements a person may receive in a specified period of time;  
5 to remove the limitation for persons whose conviction was set aside and prosecution  
6 dismissed; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 978(D) is hereby amended and  
9 reenacted to read as follows:

10 Art. 978. Motion to expunge record of arrest and conviction of a felony offense

11 \* \* \*

12 D. Expungement of a record of arrest and conviction of a felony offense  
13 shall occur only once with respect to any person during a fifteen-year period. The  
14 limitation provided in this Paragraph shall not apply to a person who is seeking the  
15 expungement of his record of arrest and conviction for a conviction that was set aside  
16 and the prosecution dismissed pursuant to Article 893(E).

17 \* \* \*

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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)]

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HB 196 Original

2018 Regular Session

Marino

**Abstract:** Removes the limitation on the number of expungements a person may receive over a certain period of time for persons whose convictions were set aside and the prosecution dismissed.

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

- (1) The conviction was set aside and the prosecution was dismissed pursuant to present law (C.Cr.P. Art. 893).
- (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.

Present law provides that the expungement of a record of arrest and conviction of a felony offense shall occur only once with respect to any person during a 15-year period.

Proposed law amends present law to provide that this limitation on the number of expungements a person may receive during a 15-year period does not apply to persons who seek the expungement of a record of arrest and conviction for a conviction that was set aside and the prosecution dismissed pursuant to present law.

(Amends C.Cr.P. Art. 978(D))