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HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 377 by Representative Hazel

- 1 AMENDMENT NO. 1
- 2 On page 1, line 2, change "989" to "989, 992, 993,"
- 3 AMENDMENT NO. 2
- 4 On page 1, line 3, after "forms;" and before "to" insert "to make technical changes to the 5 forms;"
- 6 AMENDMENT NO. 3
- 7 On page 1, line 7, change "989 and" to "989, 992, 993, and"
- 8 AMENDMENT NO. 4
- 9 On page 2, line 10, change "NUMBER:" to "NUMBER (ATN):"
- 10 AMENDMENT NO. 5
- 11 On page 2, between lines 10 and 11, insert "<u>AGENCY ITEM NO.</u>
- 12 AMENDMENT NO. 6
- 13 On page 3, at the beginning of line 2, delete "ITEM"
- 14 AMENDMENT NO. 7
- 15 On page 3, at the beginning of line 14, delete "ITEM"
- 16 AMENDMENT NO. 8
- 17 On page 3, at the beginning of line 23, delete "ITEM"
- 18 AMENDMENT NO. 9
- 19 On page 4, at the beginning of line 4, delete "ITEM"
- 20 AMENDMENT NO. 10
- 21 On page 4, at the beginning of line 10, delete "ITEM"
- 22 AMENDMENT NO. 11
- 23 On page 4, line 17, change "ITEM" to "OFFENSE"
- 24 AMENDMENT NO. 12
- 25 On page 4, at the beginning of line 22, delete "ITEM"
- 26 AMENDMENT NO. 13
- 27 On page 7, between lines 7 and 8, insert the following:

Page 1 of 11

1	"Art. 992. O	rder of exp	pungen	nent form to be used
2				STATE OF LOUISIANA
3	JUDICIAL DISTRICT FOR THE PARISH OF			
4				
5	No.:			Division: ""
6				State of Louisiana
7				vs.
8	_			
9	ORDE	ER OF EX	KPUNC	GEMENT OF ARREST/CONVICTION RECORD
10	Consi	dering the	e Motio	on for Expungement
11		The hear	ring co	nducted and evidence adduced herein, OR
12		Affidavi	its of N	lo Opposition filed,
13	IT IS	ORDERE	D, AD	JUDGED AND DECREED
14		THE MO	OTION	N IS DENIED for Item(s) No. <u>No(s).</u> , , , , the
15		followin	ng reaso	ons (check all that apply):
16			More th	han five years have not elapsed since Mover completed the
17		n	misdem	neanor conviction sentence.
18		More the	an ten	years have not elapsed since Mover completed the felony
19		convictio	on sent	tence.
20			Mover	was convicted of one of the following ineligible felony
21		0	offense	s:
22		C		A violation of the Uniform Controlled Dangerous Substances
23				Law which is ineligible to be expunged.
24		C		An offense currently listed as a sex offense that requires
25				registration pursuant to La. Rev. Stat. Ann. 15:540 et seq., at
26				the time the Motion was filed, regardless of whether the duty
27				to register was ever imposed.
28		C		An offense defined or enumerated as a "crime of violence"
29				pursuant to La. Rev. Stat. Ann. 14:2(B) at the time the
30				Motion was filed.

Page 2 of 11

1	The arrest and conviction being sought to have expunged is for
2	operating a motor vehicle while intoxicated and a copy of the proof
3	from the Department of Public Safety and Corrections, office of
4	motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).
5	Mover has had another record of misdemeanor conviction expunged
6	during the previous five-year period.
7	The record of arrest and conviction which Mover seeks to have
8	expunged is for operating a motor vehicle while intoxicated and
9	Mover has had another record of arrest and misdemeanor conviction
10	expunged during the previous ten-year period.
11	Mover has had another record of felony conviction expunged during
12	the previous fifteen-year period.
13	Mover was convicted of a misdemeanor which arose from
14	circumstances involving a sex offense as defined in R.S. 15:541.
15	Mover was convicted of misdemeanor offense of domestic abuse
16	battery which was not dismissed pursuant to C.Cr.P. Art. 894(B).
17	Mover did not complete pretrial diversion.
18	The charges against the mover were not dismissed or refused.
19	Mover's felony conviction was not set aside and dismissed pursuant
20	to C.Cr.P. Art. 893(E).
21	Mover's felony conviction was not set aside and dismissed pursuant
22	to C.Cr.P. Art. 894(B).
23	Mover completed a DWI pretrial diversion program, but five years
24	have not elapsed since the mover's date of arrest.
25	Mover's conviction for felony carnal knowledge of a juvenile is not
26	defined as misdemeanor carnal knowledge of a juvenile had the
27	mover been convicted on or after August 15, 2001.
28	Mover has not been employed for ten consecutive years as required
29	by Article 978(E)(1)(d).

Page 3 of 11

- 1□Mover was not convicted of a crime that would be eligible for2expungement as required by Article 978(E)(1).
- 3 \Box Mover has criminal charges pending against him.
 - □ Mover was convicted of a criminal offense during the ten-year period.
- 6 Denial for any other reason provided by law with attached reasons for
 7 denial.

8 THE MOTION IS HEREBY GRANTED for Item(s) No. No(s). 9 and all agencies are ordered to expunge the record of arrest/conviction and 10 any photographs, fingerprints, or any other such information of any kind maintained in 11 connection with the Arrest(s)/Conviction(s) in the above-captioned matter, which record 12 shall be confidential and no longer considered a public record, nor be available to other 13 persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of 14 15 prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the 16 17 requirements of sex offender registration and notification pursuant to the provisions of R.S. 18 15:541 et seq. or upon an order of this Court to any other person for good cause shown, or 19 as otherwise authorized by law.

20

4

5

□ THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY

21 **REDACTION** If the record includes more than one individual and the mover is entitled to 22 expungement by redaction pursuant to Code of Criminal Procedure Article 985, for Item(s) 23 and all agencies are ordered to expunge the record of No. No(s). 24 arrest/conviction and any photographs, fingerprints, or any other such information of any 25 kind maintained in relation to the Arrest(s)/Conviction(s) in the above-captioned matter as 26 they relate to the mover only. The record shall be confidential and no longer considered a 27 public record, nor be available to other persons except a prosecutor, member of a law 28 enforcement agency, or a judge who may request such information in writing certifying that 29 such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, 30 for the purpose of any other statutorily defined law enforcement or administrative duties, or

Page 4 of 11

1 for the purpose of the requirements of sex offender registration and notification pursuant to

2 the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for

3 good cause shown, or as otherwise authorized by law.

4 5	NAME:	
6	DOB:/(MM/DD/YY)	
7	GENDER: FemaleMale	
8	SSN (last 4 digits): XXX-XX	
9	RACE:	
10	DRIVER LIC.#	
11	ARRESTING AGENCY:	_
12	SID# (if available):	
13	ARREST NUMBER (ATN):	
14	AGENCY ITEM NUMBER:	
15	ARREST DATE:/ (MM/DD/YY)	
16	THUS ORDERED AND SIGNED this day of	_, 20
17	at, Louisiana.	
18		
19	JUDGE	
20	PLEASE SERVE:	
21	1. District Attorney:	
22	2. Arresting Agency:	
23	3. Parish Sheriff:	
24	4. Louisiana Bureau of Criminal Identification and Information	
25	5. Attorney for Defendant (or defendant)	
26	6. Clerk of Court'	
27	Art. 993. Supplemental forms to be used	
28	" SUPPLEMENTAL SHEET	
29	Yes No ARRESTS THAT DID NOT RESULT IN CON	VICTION

Page 5 of 11

			IICAIID377 2077 2070
1	ITEM NO	La. Rev. Stat. Ann.	§:
2		Name of the offense	
3 4		() Time expired for prosecution	/_/ (MM/DD/YYYY)
5		() Charge refused by DA - not pro	osecuted.
6		() Pre-trial Diversion Program.	
7		() Charge dismissed	
8		() Found not guilty/judgment of a	acquittal
9	HTEM NO.	La. Rev. Stat. Ann.	§:
10		Name of the offense	
11 12		() Time expired for prosecution	// (MM/DD/YYYY)
13		() Charge refused by DA - not pro	osecuted.
14		() Pre-trial Diversion Program.	
15		() Charge dismissed	
16		() Found not guilty/judgment of a	acquittal
17	ITEM NO	La. Rev. Stat. Ann.	§:
18		Name of the offense	
19 20		() Time expired for prosecution	// (MM/DD/YYYY)
21		() Charge refused by DA - not pro	osecuted.
22		() Pre-trial Diversion Program.	
23		() Charge dismissed	
24		() Found not guilty/judgment of a	acquittal
25	ITEM NO	La. Rev. Stat. Ann.	§:
26		Name of the offense	
27 28		() Time expired for prosecution	/_/ (MM/DD/YYYY)
29		() Charge refused by DA - not pro	osecuted.
30		() Pre-trial Diversion Program.	
31		() Charge dismissed	
32		() Found not guilty/judgment of a	ocquittal

Page 6 of 11

			ne/mb3// 20// 20/0
1	HTEM NO.	La. Rev. Stat. Ann.	§:
2		Name of the offense	
3 4		() Time expired for prosecution	// (MM/DD/YYYY)
5		() Charge refused by DA - not pro	secuted.
6		() Pre-trial Diversion Program.	
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9	HTEM NO.	La. Rev. Stat. Ann.	§::
10		Name of the offense	
11 12		() Time expired for prosecution	// (MM/DD/YYYY)
13		() Charge refused by DA - not pro	secuted.
14		() Pre-trial Diversion Program.	
15		() Charge dismissed	
16		() Found not guilty/judgment of ac	equittal
17		SUPPLEMENTAL SHEET	
18	Yes No	MISDEMEANOR CONVICTION	٧S
19	ITEM NO	La. Rev. Stat. Ann.	§::
20		Name of the offense	
21		() Conviction set aside/dismissed	/
22 23		pursuant to C.Cr.P. Art. 894(B)	// (MM/DD/YYYY)
24		() More than 5 years have passed	
25		since completion of sentence.	
26	HTEM NO	La. Rev. Stat. Ann.	§::
27		Name of the offense	
28		() Conviction set aside/dismissed	// (MM/DD/YYYY)
29 30		pursuant to C.Cr.P. Art. 894(B)	
31		() More than 5 years have passed	
32		since completion of sentence.	

Page 7 of 11

1	ITEM NO	La. Rev. Stat. Ann.	§:
2		Name of the offense	
3		() Conviction set aside/dismissed	//
4 5		pursuant to C.Cr.P. Art. 894(B)	(MM/DD/YYYY)
6		() More than 5 years have passed	
7		since completion of sentence.	
8	HTEM NO.	La. Rev. Stat. Ann.	§:
9		Name of the offense	
10		() Conviction set aside/dismissed	// (MM/DD/YYYY)
11 12		pursuant to C.Cr.P. Art. 894(B)	(MM/DD/YYYY)
13		() More than 5 years have passed	
14		since completion of sentence.	
15	HTEM NO.	La. Rev. Stat. Ann.	§::
16		Name of the offense	
17		() Conviction set aside/dismissed	
18 19		pursuant to C.Cr.P. Art. 894(B)	(MM/DD/YYYY)
20		() More than 5 years have passed	
21		since completion of sentence.	
22	HTEM NO.	La. Rev. Stat. Ann.	§:
23		Name of the offense	
24 25		() Conviction set aside/dismissed	// (MM/DD/YYYY)
23 26		pursuant to C.Cr.P. Art. 894(B)	
27		() More than 5 years have passed	
28		since completion of sentence.	
29	HTEM NO.	La. Rev. Stat. Ann.	§::
30		Name of the offense	
31 32		() Conviction set aside/dismissed	// (MM/DD/YYYY)
32 33		pursuant to C.Cr.P. Art. 894(B)	
34		() More than 5 years have passed	
35		since completion of sentence.	

Page 8 of 11

1	ITEM NO.	La. Rev. Stat. Ann.	§:
2		Name of the offense	
3		() Conviction set aside/dismissed	// (MM/DD/YYYY)
4 5		pursuant to C.Cr.P. Art. 894(B)	
6		() More than 5 years have passed	
7		since completion of sentence.	
8	HTEM NO	La. Rev. Stat. Ann.	§:
9		Name of the offense	
10 11		() Conviction set aside/dismissed	// (MM/DD/YYYY)
12		pursuant to C.Cr.P. Art. 894(B)	
13		() More than 5 years have passed	
14		since completion of sentence.	

15 SUPPLEMENTAL SHEET

16	YesNo	FELONY CONVICTIONS	
17	HTEM NO	La. Rev. Stat. Ann.	§:
18		Name of the offense	
19		() Conviction set aside/dismissed	
20 21		pursuant to C.Cr.P. Art. 893(E)	(MM/DD/YYYY)
22		() More than 10 years have passed	
23		since completion of sentence	
24	HTEM NO.	La. Rev. Stat. Ann.	§:
25		Name of the offense	
26		() Conviction set aside/dismissed	
27 28		pursuant to C.Cr.P. Art. 893(E)	(MM/DD/YYYY)
29		() More than 10 years have passed	
30		since completion of sentence	
31	HTEM NO.	La. Rev. Stat. Ann.	§:
32		Name of the offense	
33		() Conviction set aside/dismissed	//

1 2		pursuant to C.Cr.P. Art. 893(E)	((MM/DD/YYYY)
3		() More than 10 years have passed		
4		since completion of sentence		
5	HTEM NO	La. Rev. Stat. Ann.	§	
6		Name of the offense		
7		since completion of sentence		
8	ITEM NO	La. Rev. Stat. Ann.	§	::
9		Name of the offense		
10		() Conviction set aside/dismissed		//
11 12		pursuant to C.Cr.P. Art. 893(E)	((MM/DD/YYYY)
13		() More than 10 years have passed		
14		since completion of sentence		
15	ITEM NO	La. Rev. Stat. Ann.	§	::
16		Name of the offense		
17		() Conviction set aside/dismissed		<u> </u>
18 19		pursuant to C.Cr.P. Art. 893(E)	((MM/DD/YYYY)
20		() More than 10 years have passed		
21		since completion of sentence		
22	HTEM NO	La. Rev. Stat. Ann.	§	:
23		Name of the offense		
24		() Conviction set aside/dismissed		/_/ (MM/DD/YYYY)
25 26		pursuant to C.Cr.P. Art. 893(E)	((MM/DD/YYYY)
27		() More than 10 years have passed		
28		since completion of sentence		
29	HTEM NO	La. Rev. Stat. Ann.	§	:
30		Name of the offense		
31		() Conviction set aside/dismissed		
32 33		pursuant to C.Cr.P. Art. 893(E)	((MM/DD/YYYY)
34		() More than 10 years have passed		
35		since completion of sentence		

Page 10 of 11

1	ITEM NO. La. Rev. Stat. Ann.	§:
2	Name of the offense	
3 4	() Conviction set aside/dismissed	// (MM/DD/YYYY)
5	pursuant to C.Cr.P. Art. 893(E)	
6	() More than 10 years have passed	
7	since completion of sentence	
8 9 10	AMENDMENT NO. 14 On page 7, line 29, change "NUMBER:" to "NUMBER (ATN):" AMENDMENT NO. 15	
11	On page 7, between lines 29 and 30, insert: "AGENCY ITEM NO.	
12	AMENDMENT NO. 16	

13 On page 8, at the beginning of line 13, delete "ITEM"