
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. 24 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. 49 On page 2, line 10, change "NUMBER:" to "NUMBER (ATN):"10 AMENDMENT NO. 511 On page 2, between lines 10 and 11, insert "AGENCY ITEM NO. _____"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, at the beginning of line 17, delete "ITEM"

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:

"Art. 992. Order of expungement form to be used

STATE OF LOUISIANA

JUDICIAL DISTRICT FOR THE PARISH OF

No.: _____

Division: " _____ "

State of Louisiana

vs.

ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

Considering the Motion for Expungement

- The hearing conducted and evidence adduced herein, OR
- Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

THE MOTION IS DENIED for ~~Item(s) No.~~ No(s). _____, , , , _____ the following reasons (check all that apply):

- More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.
- More than ten years have not elapsed since Mover completed the felony conviction sentence.
- Mover was convicted of one of the following ineligible felony offenses:
 - A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.
 - An offense currently listed as a sex offense that requires registration pursuant to La. Rev. Stat. Ann. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.
 - An offense defined or enumerated as a "crime of violence" pursuant to La. Rev. Stat. Ann. 14:2(B) at the time the Motion was filed.

- 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).

1 Mover was not convicted of a crime that would be eligible for
2 expungement as required by Article 978(E)(1).

3 Mover has criminal charges pending against him.

4 Mover was convicted of a criminal offense during the ten-year
5 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
10 arrest/conviction and any photographs, fingerprints, or any other such
11 information of any kind maintained in connection with the
12 Arrest(s)/Conviction(s) in the above-captioned matter, which record shall be
13 confidential and no longer considered a public record, nor be available to
14 other persons except a prosecutor, member of a law enforcement agency, or
15 a judge who may request such information in writing certifying that such
16 request is for the purpose of prosecuting, investigating, or enforcing the
17 criminal law, for the purpose of any other statutorily defined law
18 enforcement or administrative duties, or for the purpose of the requirements
19 of sex offender registration and notification pursuant to the provisions of R.S.
20 15:541 et seq. or upon an order of this Court to any other person for good
21 cause shown, or as otherwise authorized by law.

22 **THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT**

23 **BY REDACTION** If the record includes more than one individual and the mover
24 is entitled to expungement by redaction pursuant to Code of Criminal Procedure
25 Article 985, for ~~Item(s) No.~~ No(s). _____ and all agencies are ordered to
26 expunge the record of arrest/conviction and any photographs, fingerprints, or any
27 other such information of any kind maintained in relation to the
28 Arrest(s)/Conviction(s) in the above-captioned matter as they relate to the mover
29 only. The record shall be confidential and no longer considered a public record, nor
30 be available to other persons except a prosecutor, member of a law enforcement

1 agency, or a judge who may request such information in writing certifying that such
2 request is for the purpose of prosecuting, investigating, or enforcing the criminal law,
3 for the purpose of any other statutorily defined law enforcement or administrative
4 duties, or for the purpose of the requirements of sex offender registration and
5 notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order of this
6 Court to any other person for good cause shown, or as otherwise authorized by law.

7 NAME: _____
8 (Last, First, MI)

9 DOB: ____/____/____ (MM/DD/YY)

10 GENDER: ____ Female ____ Male

11 SSN (last 4 digits): XXX-XX-_____

12 RACE: _____

13 DRIVER LIC.# _____

14 ARRESTING AGENCY: _____

15 SID# (if available): _____

16 ARREST NUMBER (ATN): _____

17 AGENCY ITEM NUMBER: _____

18 ARREST DATE: ____/____/____ (MM/DD/YY)

19 **THUS ORDERED AND SIGNED** this ____ day of _____, 20 ____

20 at _____, Louisiana.

21 _____
22 JUDGE

23 **PLEASE SERVE:**

24 1. District Attorney: _____

25 2. Arresting Agency: _____

26 3. Parish Sheriff: _____

27 4. Louisiana Bureau of Criminal Identification and Information _____

28 5. Attorney for Defendant (or defendant) _____

29 6. Clerk of Court _____

30 Art. 993. Supplemental forms to be used

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

SUPPLEMENTAL SHEET

___ Yes ___ No ARRESTS THAT DID NOT RESULT IN CONVICTION

ITEM NO. ___ La. Rev. Stat. Ann. § _____ :

Name of the offense _____

() Time expired for prosecution / /
(MM/DD/YYYY)

() Charge refused by DA - not prosecuted.

() Pre-trial Diversion Program.

() Charge dismissed

() Found not guilty/judgment of acquittal

ITEM NO. ___ La. Rev. Stat. Ann. § _____ :

Name of the offense _____

() Time expired for prosecution / /
(MM/DD/YYYY)

() Charge refused by DA - not prosecuted.

() Pre-trial Diversion Program.

() Charge dismissed

() Found not guilty/judgment of acquittal

ITEM NO. ___ La. Rev. Stat. Ann. § _____ :

Name of the offense _____

() Time expired for prosecution / /
(MM/DD/YYYY)

() Charge refused by DA - not prosecuted.

() Pre-trial Diversion Program.

() Charge dismissed

() Found not guilty/judgment of acquittal

ITEM NO. ___ La. Rev. Stat. Ann. § _____ :

Name of the offense _____

() Time expired for prosecution / /
(MM/DD/YYYY)

() Charge refused by DA - not prosecuted.

() Pre-trial Diversion Program.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 () Charge dismissed
 2 () Found not guilty/judgment of acquittal
 3 **ITEM NO.** ____ La. Rev. Stat. Ann. § _____ : _____
 4 Name of the offense _____
 5 () Time expired for prosecution _____ / _____ / _____
 6 (MM/DD/YYYY)
 7 () Charge refused by DA - not prosecuted.
 8 () Pre-trial Diversion Program.
 9 () Charge dismissed
 10 () Found not guilty/judgment of acquittal

11 **ITEM NO.** ____ La. Rev. Stat. Ann. § _____ : _____
 12 Name of the offense _____
 13 () Time expired for prosecution _____ / _____ / _____
 14 (MM/DD/YYYY)
 15 () Charge refused by DA - not prosecuted.
 16 () Pre-trial Diversion Program.
 17 () Charge dismissed
 18 () Found not guilty/judgment of acquittal

SUPPLEMENTAL SHEET

20 ____ Yes ____ No **MISDEMEANOR CONVICTIONS**

21 **ITEM NO.** ____ La. Rev. Stat. Ann. § _____ : _____
 22 Name of the offense _____
 23 () Conviction set aside/dismissed _____ / _____ / _____
 24 (MM/DD/YYYY)
 25 pursuant to C.Cr.P. Art. 894(B)
 26 () More than 5 years have passed
 27 since completion of sentence.

28 **ITEM NO.** ____ La. Rev. Stat. Ann. § _____ : _____
 29 Name of the offense _____
 30 () Conviction set aside/dismissed _____ / _____ / _____
 31 (MM/DD/YYYY)
 32 pursuant to C.Cr.P. Art. 894(B)
 33 () More than 5 years have passed

1 since completion of sentence.

2 ~~ITEM NO.~~ ____ La. Rev. Stat. Ann. § ____ : ____

3 Name of the offense _____

4 () Conviction set aside/dismissed / /
5 (MM/DD/YYYY)

6 pursuant to C.Cr.P. Art. 894(B)

7 () More than 5 years have passed

8 since completion of sentence.

9 ~~ITEM NO.~~ ____ La. Rev. Stat. Ann. § ____ : ____

10 Name of the offense _____

11 () Conviction set aside/dismissed / /
12 (MM/DD/YYYY)

13 pursuant to C.Cr.P. Art. 894(B)

14 () More than 5 years have passed

15 since completion of sentence.

16 ~~ITEM NO.~~ ____ La. Rev. Stat. Ann. § ____ : ____

17 Name of the offense _____

18 () Conviction set aside/dismissed / /
19 (MM/DD/YYYY)

20 pursuant to C.Cr.P. Art. 894(B)

21 () More than 5 years have passed

22 since completion of sentence.

23 ~~ITEM NO.~~ ____ La. Rev. Stat. Ann. § ____ : ____

24 Name of the offense _____

25 () Conviction set aside/dismissed / /
26 (MM/DD/YYYY)

27 pursuant to C.Cr.P. Art. 894(B)

28 () More than 5 years have passed

29 since completion of sentence.

30 ~~ITEM NO.~~ ____ La. Rev. Stat. Ann. § ____ : ____

31 Name of the offense _____

32 () Conviction set aside/dismissed / /
33 (MM/DD/YYYY)

34 pursuant to C.Cr.P. Art. 894(B)

35 () More than 5 years have passed

1 since completion of sentence.

2 **ITEM NO.** ____ La. Rev. Stat. Ann. § ____ : ____

3 Name of the offense _____

4 () Conviction set aside/dismissed / /
5 (MM/DD/YYYY)

6 pursuant to C.Cr.P. Art. 894(B)

7 () More than 5 years have passed

8 since completion of sentence.

9 **ITEM NO.** ____ La. Rev. Stat. Ann. § ____ : ____

10 Name of the offense _____

11 () Conviction set aside/dismissed / /
12 (MM/DD/YYYY)

13 pursuant to C.Cr.P. Art. 894(B)

14 () More than 5 years have passed

15 since completion of sentence.

16 **SUPPLEMENTAL SHEET**

17 ____ Yes ____ No **FELONY CONVICTIONS**

18 **ITEM NO.** ____ La. Rev. Stat. Ann. § ____ : ____

19 Name of the offense _____

20 () Conviction set aside/dismissed / /
21 (MM/DD/YYYY)

22 pursuant to C.Cr.P. Art. 893(E)

23 () More than 10 years have passed

24 since completion of sentence

25 **ITEM NO.** ____ La. Rev. Stat. Ann. § ____ : ____

26 Name of the offense _____

27 () Conviction set aside/dismissed / /
28 (MM/DD/YYYY)

29 pursuant to C.Cr.P. Art. 893(E)

30 () More than 10 years have passed

31 since completion of sentence

32 **ITEM NO.** ____ La. Rev. Stat. Ann. § ____ : ____

33 Name of the offense _____

1 since completion of sentence

2 **ITEM NO.** ____ La. Rev. Stat. Ann. § _____ : _____

3 Name of the offense _____

4 () Conviction set aside/dismissed / /

5 (MM/DD/YYYY)

6 pursuant to C.Cr.P. Art. 893(E)

7 () More than 10 years have passed

8 since completion of sentence"

9 AMENDMENT NO. 14

10 On page 7, line 29, change "NUMBER:" to "NUMBER (ATN):"

11 AMENDMENT NO. 15

12 On page 7, between lines 29 and 30, insert: "AGENCY ITEM NO. _____"

13 AMENDMENT NO. 16

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.