

2018 Regular Session

HOUSE BILL NO. 377

BY REPRESENTATIVES HAZEL, BACALA, BAGNERIS, CARPENTER, DUPLESSIS,  
HODGES, HOWARD, JAMES, MACK, MARCELLE, MARINO, NORTON,  
PYLANT, AND STEFANSKI

CRIMINAL/PROCEDURE: Provides relative to expungements

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 989, 992, 993, and 994, relative  
3 to expungement; to provide with respect to expungement forms; to make technical  
4 changes to the forms; to extend the amount of time that a background check may be  
5 used in a motion for an expungement; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Articles 989, 992, 993, and 994 are hereby  
8 amended and reenacted to read as follows:

9 Art. 989. Motion for expungement forms to be used

10 STATE OF LOUISIANA  
11 JUDICIAL DISTRICT FOR THE PARISH OF

12 \_\_\_\_\_  
13 No.: \_\_\_\_\_ Division: " \_\_\_\_\_ "

14 State of Louisiana

15 vs.

16 \_\_\_\_\_  
17 MOTION FOR EXPUNGEMENT

18 NOW INTO COURT comes mover, who provides the court with the  
19 following information in connection with this request:





- 1                   ( ) Not prosecuted for any offense
- 2                   arising out of this charge.
- 3                   ( ) Pre-trial Diversion Program.
- 4                   ( ) Charge dismissed
- 5                   ( ) Found not guilty/judgment of acquittal

6                  Yes        No   **MISDEMEANOR CONVICTIONS**

7           ~~ITEM~~ **NO. 1**       La. Rev. Stat. Ann.       § \_\_\_\_\_ : \_\_\_\_\_

8                               Name of the offense       \_\_\_\_\_

9                   ( ) Conviction set aside/dismissed   \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

10                               pursuant to C.Cr.P. Art. 894(B)       (MM/DD/YYYY)

11                   ( ) More than 5 years have passed

12                               since completion of sentence.

13           ~~ITEM~~ **NO. 2**       La. Rev. Stat. Ann.       § \_\_\_\_\_ : \_\_\_\_\_

14                               Name of the offense       \_\_\_\_\_

15                   ( ) Conviction set aside/dismissed   \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

16                               pursuant to C.Cr.P. Art. 894(B)       (MM/DD/YYYY)

17                   ( ) More than 5 years have passed

18                               since completion of sentence.

19                  Yes        No   **FELONY CONVICTIONS**

20           ~~ITEM~~ **NO. 1**       La. Rev. Stat. Ann.       § \_\_\_\_\_ : \_\_\_\_\_

21                   ( ) Conviction set aside/dismissed   \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

22                               pursuant to C.Cr.P. Art. 893(E)       (MM/DD/YYYY)

23                   ( ) More than 10 years have passed

24                               since completion of sentence

25           ~~ITEM~~ **NO. 2**       La. Rev. Stat. Ann.       § \_\_\_\_\_ : \_\_\_\_\_

26                   ( ) Conviction set aside/dismissed   \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

27                               pursuant to C.Cr.P. Art. 893(E)       (MM/DD/YYYY)

28                   ( ) More than 10 years have passed

29                               since completion of sentence





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**If not represented by counsel:**

\_\_\_\_\_  
Signature of Mover/Defendant

\_\_\_\_\_  
Mover/Defendant Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

\* \* \*

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.

- 1            Mover was convicted of one of the following ineligible felony  
2 offenses:
- 3            A violation of the Uniform Controlled Dangerous Substances  
4 Law which is ineligible to be expunged.
- 5            An offense currently listed as a sex offense that requires  
6 registration pursuant to La. Rev. Stat. Ann. 15:540 et seq., at  
7 the time the Motion was filed, regardless of whether the duty  
8 to register was ever imposed.
- 9            An offense defined or enumerated as a "crime of violence"  
10 pursuant to La. Rev. Stat. Ann. 14:2(B) at the time the  
11 Motion was filed.
- 12           The arrest and conviction being sought to have expunged is for  
13 operating a motor vehicle while intoxicated and a copy of the proof  
14 from the Department of Public Safety and Corrections, office of  
15 motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).
- 16           Mover has had another record of misdemeanor conviction expunged  
17 during the previous five-year period.
- 18           The record of arrest and conviction which Mover seeks to have  
19 expunged is for operating a motor vehicle while intoxicated and  
20 Mover has had another record of arrest and misdemeanor conviction  
21 expunged during the previous ten-year period.
- 22           Mover has had another record of felony conviction expunged during  
23 the previous fifteen-year period.
- 24           Mover was convicted of a misdemeanor which arose from  
25 circumstances involving a sex offense as defined in R.S. 15:541.
- 26           Mover was convicted of misdemeanor offense of domestic abuse  
27 battery which was not dismissed pursuant to C.Cr.P. Art. 894(B).
- 28           Mover did not complete pretrial diversion.
- 29           The charges against the mover were not dismissed or refused.



1 of sex offender registration and notification pursuant to the provisions of R.S.  
2 15:541 et seq. or upon an order of this Court to any other person for good  
3 cause shown, or as otherwise authorized by law.

4  **THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT**  
5 **BY REDACTION** If the record includes more than one individual and the mover  
6 is entitled to expungement by redaction pursuant to Code of Criminal Procedure  
7 Article 985, for ~~Item(s) No.~~ No(s). \_\_\_\_\_ and all agencies are ordered to  
8 expunge the record of arrest/conviction and any photographs, fingerprints, or any  
9 other such information of any kind maintained in relation to the  
10 Arrest(s)/Conviction(s) in the above-captioned matter as they relate to the mover  
11 only. The record shall be confidential and no longer considered a public record, nor  
12 be available to other persons except a prosecutor, member of a law enforcement  
13 agency, or a judge who may request such information in writing certifying that such  
14 request is for the purpose of prosecuting, investigating, or enforcing the criminal law,  
15 for the purpose of any other statutorily defined law enforcement or administrative  
16 duties, or for the purpose of the requirements of sex offender registration and  
17 notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order of this  
18 Court to any other person for good cause shown, or as otherwise authorized by law.

19 NAME: \_\_\_\_\_  
20 (Last, First, MI)

21 DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

22 GENDER: \_\_\_\_ Female \_\_\_\_ Male

23 SSN (last 4 digits): XXX-XX-\_\_\_\_\_

24 RACE: \_\_\_\_\_

25 DRIVER LIC.# \_\_\_\_\_

26 ARRESTING AGENCY: \_\_\_\_\_

27 SID# (if available): \_\_\_\_\_

28 ARREST NUMBER (ATN): \_\_\_\_\_

29 AGENCY ITEM NUMBER: \_\_\_\_\_

30 ARREST DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

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





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**SUPPLEMENTAL SHEET**

**\_\_\_ Yes \_\_\_ No MISDEMEANOR CONVICTIONS**

**ITEM NO.** \_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

Name of the offense \_\_\_\_\_

( ) Conviction set aside/dismissed       /      /        
(MM/DD/YYYY)  
pursuant to C.Cr.P. Art. 894(B)

( ) More than 5 years have passed  
since completion of sentence.

**ITEM NO.** \_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

Name of the offense \_\_\_\_\_

( ) Conviction set aside/dismissed       /      /        
(MM/DD/YYYY)  
pursuant to C.Cr.P. Art. 894(B)

( ) More than 5 years have passed  
since completion of sentence.

**ITEM NO.** \_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

Name of the offense \_\_\_\_\_

( ) Conviction set aside/dismissed       /      /        
(MM/DD/YYYY)  
pursuant to C.Cr.P. Art. 894(B)

( ) More than 5 years have passed  
since completion of sentence.

**ITEM NO.** \_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

Name of the offense \_\_\_\_\_

( ) Conviction set aside/dismissed       /      /        
(MM/DD/YYYY)  
pursuant to C.Cr.P. Art. 894(B)

( ) More than 5 years have passed  
since completion of sentence.







1 Art. 994. Motion for interim expungement 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 **MOTION FOR INTERIM EXPUNGEMENT**

10 NOW INTO COURT comes mover, who provides the court with the  
11 following information in connection with this request:

12 **I. DEFENDANT INFORMATION**

13 NAME: \_\_\_\_\_  
14 (Last, First, MI)

15 DOB: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (MM/DD/YYYY)

16 GENDER \_\_\_\_\_ Female \_\_\_\_\_ Male

17 SSN (last 4 digits): XXX-XX-\_\_\_\_\_

18 RACE: \_\_\_\_\_

19 DRIVER LIC.# \_\_\_\_\_

20 ARRESTING AGENCY: \_\_\_\_\_

21 SID# (if available): \_\_\_\_\_

22 ARREST NUMBER (ATN): \_\_\_\_\_

23 AGENCY ITEM NO. \_\_\_\_\_

24 Mover is entitled to an interim expungement of the entry of the felony  
25 charge(s) of his arrest pursuant to Louisiana Code of Criminal Procedure Article  
26 985.1 and states the following in support:

27 **II. ARREST INFORMATION**

28 1. Mover was arrested on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (MM/DD/YYYY)

29 2. \_\_\_\_\_ YES \_\_\_\_\_ NO A supplemental sheet with arrests and/or  
30 convictions is attached after page 2 of this  
31 Motion.

32 3. Mover was:  
33 \_\_\_\_\_ YES \_\_\_\_\_ NO Arrested for a felony offense.  
34 \_\_\_\_\_ YES \_\_\_\_\_ NO Convicted of a misdemeanor arising out of  
35 that felony offense.



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Telephone Number

**If not represented by counsel:**

\_\_\_\_\_  
Signature of Mover/Defendant

\_\_\_\_\_  
Mover/Defendant Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

**PLEASE SERVE:**

- 1. District Attorney \_\_\_\_\_
- 2. Louisiana Bureau of Criminal Identification and Information \_\_\_\_\_
- 3. Arresting Agency \_\_\_\_\_ "

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 377 Engrossed                      2018 Regular Session                      Hazel

**Abstract:** Extends the amount of time a background check may be used in motions for expungement.

Present law provides for the expungement of criminal records and provides for the forms which shall be used to seek an expungement.

Proposed law amends the present law forms for a motion for expungement and a motion for interim expungement to extend from 30 days to 60 days the amount of time that a background check may be used in seeking an expungement. Proposed law also makes technical corrections to present law motion for expungement forms.

(Amends C.Cr.P. Arts. 989, 992, 993, and 994)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

- 1. Make technical corrections to present law expungement forms.