

2018 Regular Session

HOUSE BILL NO. 377

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

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

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

3 **I. DEFENDANT INFORMATION**

4 NAME: _____
5 (Last, First, MI)

6 DOB: _____ / _____ / _____ (MM/DD/YYYY)

7 GENDER _____ Female _____ Male

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 NO. _____

15 Mover is entitled to expunge the record of his arrest/conviction pursuant to
16 Louisiana Code of Criminal Procedure Article 971 et seq. and states the following
17 in support:

18 **II. ARREST INFORMATION**

19 1. Mover was arrested on _____ / _____ / _____ (MM/DD/YYYY)

20 2. _____ YES _____ NO A supplemental sheet with arrests and/or
21 convictions is attached after page 2 of this
22 Motion.

23 3. Mover was:
24 _____ YES _____ NO Arrested, but it did not result in conviction
25 _____ YES _____ NO Convicted of and seeks to expunge a
26 misdemeanor

27 _____ YES _____ NO Convicted of and seeks to expunge a felony

1 Name of the offense _____

2 () Time expired for prosecution _____

3 (MM/DD/YYYY)

4 () Not prosecuted for any offense

5 arising out of this charge.

6 () Pre-trial Diversion Program.

7 () Charge dismissed

8 () Found not guilty/judgment of acquittal

9 Yes No **MISDEMEANOR CONVICTIONS**

10 **ITEM NO. 1** La. Rev. Stat. Ann. § _____ : _____

11 Name of the offense _____

12 () Conviction set aside/dismissed ____ / ____ / ____

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

14 () More than 5 years have passed

15 since completion of sentence.

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

17 Name of the offense _____

18 () Conviction set aside/dismissed ____ / ____ / ____

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 Yes No **FELONY CONVICTIONS**

23 **ITEM NO. 1** La. Rev. Stat. Ann. § _____ : _____

24 () Conviction set aside/dismissed ____ / ____ / ____

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

26 () More than 10 years have passed

27 since completion of sentence

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

29 () Conviction set aside/dismissed ____ / ____ / ____

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

1 () More than 10 years have passed
2 since completion of sentence

3 Yes No **OPERATING A MOTOR VEHICLE WHILE**
4 **INTOXICATED CONVICTIONS**

5 Mover has attached the following:

6 () A copy of the proof from the Department of Public Safety and
7 Corrections, office of motor vehicles, that it has received from the
8 clerk of court a certified copy of the record of the plea, fingerprints
9 of the defendant, and proof of the requirements set forth in C.Cr.P.
10 Art. 556, which shall include the defendant's date of birth, last four
11 digits of social security number, and driver's license number

12 5. Mover has attached to this Motion the following pertinent documents:

- 13 Criminal Background Check from the La. State Police/Parish Sheriff
- 14 dated within the past ~~30~~ 60 days (required).
- 15 Bill(s) of Information (if any).
- 16 Minute entry showing final disposition of case (if any).
- 17 Certification Letter from the District Attorney for fee waiver (if
- 18 eligible).
- 19 Certification Letter from the District Attorney verifying that the
- 20 applicant has no convictions or pending applicable criminal charges
- 21 in the requisite time periods.
- 22 Certification Letter from the District Attorney verifying that the
- 23 charges were refused.
- 24 Certification Letter from the District Attorney verifying that the
- 25 applicant did not participate in a pretrial diversion program.
- 26 A copy of the order waiving the sex offender registration and
- 27 notification requirements.
- 28 Documentation verifying that the mover has been employed for ten
- 29 consecutive years.

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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). _____, for 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.

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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 _____

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Name of the offense _____

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Name of the offense _____

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

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Attorney for Mover/Defendant Name

Attorney's Bar Roll No.

Address

City, State, ZIP Code

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 _____

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____