

2019 Regular Session

HOUSE BILL NO. 9

BY REPRESENTATIVE MARINO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Provides relative to costs of expungement of a record

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 983(H) and to enact Code of
3 Criminal Procedure Article 983(I), relative to expungement of records; to provide
4 relative to costs of expungement of a record; to provide for circumstances when two
5 or more offenses arise out of the same arrest; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 983(H) is hereby amended and
8 reenacted and Code of Criminal Procedure Article 983(I) is hereby enacted to read as
9 follows:

10 Art. 983. Costs of expungement of a record; fees; collection; exemptions;
11 disbursements

12 * * *

13 H. If an application for an expungement of a record includes two or more
14 offenses arising out of the same arrest, including misdemeanors, felonies, or both,
15 the applicant shall be required to pay only one fee as provided for by this Article.

16 H.I. Notwithstanding any provision of law to the contrary, an applicant for
17 the expungement of a record, other than as provided in Paragraphs F and G of this
18 Article, may proceed in forma pauperis in accordance with the provisions of Code
19 of Civil Procedure Article 5181 et seq.

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 9 Original

2019 Regular Session

Marino

Abstract: Provides relative to expungement fees when two or more offenses arise out of the same arrest.

Present law provides for the expungement of certain arrest and conviction records under certain circumstances.

Present law provides that the total cost to obtain an expungement of a record shall not exceed \$550.

Proposed law provides that if an application for an expungement of a record has two or more offenses arising out of the same arrest, including misdemeanors, felonies, or both, then the applicant is required to only pay one fee as provided for by present law.

(Amends C.Cr.P. Art. 983(H); Adds C.Cr.P. Art. 983(I))