

SENATE BILL NO. 98

BY SENATOR PRICE

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

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AN ACT

To enact Code of Criminal Procedure Art. 978(A)(3) and (B)(3)(e), relative to expungement; to provide for expungement of arrest and conviction records for an offense subject to a first offender pardon; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 978(A)(3) and (B)(3)(e) are hereby enacted to read as follows:

Art. 978. Motion to expunge record of arrest and conviction of a felony offense

A. Except as provided in Paragraph B of this Article, a person may file a motion to expunge his record of arrest and conviction of a felony offense if ~~either~~ **any** of the following apply:

* * *

(3) The person is entitled to a first offender pardon for the offense pursuant to Louisiana Constitution Article IV, Section 5(E)(1), provided that the offense is not defined as a crime of violence pursuant to R.S. 14:2(B) or a sex offense pursuant to R.S. 15:541.

B. No expungement shall be granted nor shall a person be permitted to file a motion to expunge the record of arrest and conviction of a felony offense if the person was convicted of the commission or attempted commission of any of the following offenses:

* * *

(3) A violation of the Uniform Controlled Dangerous Substances Law, except for any of the following which may be expunged pursuant to the provisions of this Title:

* * *

1 (e) A conviction for a violation of the Uniform Controlled Dangerous
2 Substances Law for which the person is entitled to a first offender pardon
3 pursuant to Article IV, Section 5(E)(1) of the Louisiana Constitution.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____