

RÉSUMÉ DIGEST

ACT 268 (SB 98)

2019 Regular Session

Price

Prior law provided that a person may file a motion to expunge his record of arrest and conviction of a felony offense under either of the following circumstances:

- (1) The conviction was set aside and the prosecution was dismissed pursuant to prior law relative to suspension and deferral of sentence and probation in felony cases under certain circumstances.
- (2) If more than 10 years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole based on the felony conviction, and the person has not been convicted of any other criminal offense during that 10 year period, and has no criminal charge pending against him.

New law retains prior law.

Present constitution provides that a first offender convicted of a nonviolent crime, or convicted of aggravated battery, second degree battery, aggravated assault, mingling harmful substances, aggravated criminal damage to property, purse snatching, extortion, or illegal use of weapons or dangerous instrumentalities never previously convicted of a felony is pardoned automatically upon completion of his sentence, without a recommendation of the Board of Pardons and without action by the governor.

New law provides that in addition to other circumstances under which a person is entitled to an expungement, a person is also entitled to an expungement if he is eligible for an expungement if he is entitled to a first offender pardon pursuant to present constitution, provided the offense is not defined as a crime of violence or a sex offense under prior law.

New law provides for expungement for conviction of a violation of the Uniform Controlled Dangerous Substances Law for which the person is entitled to a first offender pardon under the state constitution.

Effective August 1, 2019.

(Adds C.Cr.P. Art. 978(A)(3) and (B)(3)(e))