

2020 Regular Session

HOUSE BILL NO. 194

BY REPRESENTATIVE MARINO

CRIMINAL/RECORDS: Provides relative to certain expungement forms

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 989, 992, and 993, relative to
3 expungement; to provide with respect for expungement forms; to provide for the
4 amendment of certain forms for expungement; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

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

9 STATE OF LOUISIANA
10 JUDICIAL DISTRICT FOR THE PARISH OF

11 _____
12 No.: _____ Division: " _____ "

13 State of Louisiana

14 vs.

15 _____

16 MOTION FOR EXPUNGEMENT

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

19 I. DEFENDANT INFORMATION

20 NAME: _____

21 (Last, First, MI)

- 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 **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 **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 **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 () Received a first offender pardon for an eligible offense

26 **NO. 2** La. Rev. Stat. Ann. § _____ : _____

27 () Conviction set aside/dismissed ____ / ____ / _____

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

29 () More than 10 years have passed

1 since completion of sentence

2 () Received a first offender pardon for an eligible offense

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 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 a first offender pardon.

27 A copy of the order waiving the sex offender registration and
28 notification requirements.

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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

* * *

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

1 The hearing conducted and evidence adduced herein, OR

2 Affidavits of No Opposition filed,

3 **IT IS ORDERED, ADJUDGED AND DECREED**

4 **THE MOTION IS DENIED** for No(s). , , , , for the following
5 reasons (check all that apply):

6 More than five years have not elapsed since Mover completed the
7 misdemeanor conviction sentence.

8 More than ten years have not elapsed since Mover completed the
9 felony conviction sentence.

10 Mover was convicted of one of the following ineligible felony
11 offenses:

12 A violation of the Uniform Controlled Dangerous Substances Law
13 which is ineligible to be expunged.

14 An offense currently listed as a sex offense that requires registration
15 pursuant to R.S. 15:540 et seq., at the time the Motion was filed,
16 regardless of whether the duty to register was ever imposed.

17 An offense defined or enumerated as a "crime of violence" pursuant
18 to R.S. 14:2(B) at the time the Motion was filed.

19 The arrest and conviction being sought to have expunged is for
20 operating a motor vehicle while intoxicated and a copy of the proof
21 from the Department of Public Safety and Corrections, office of
22 motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).

23 Mover has had another record of misdemeanor conviction expunged
24 during the previous five-year period.

25 The record of arrest and conviction which Mover seeks to have
26 expunged is for operating a motor vehicle while intoxicated and
27 Mover has had another record of arrest and misdemeanor conviction
28 expunged during the previous ten-year period.

1 DOB: ____/____/____ (MM/DD/YY)

2 GENDER: ____ Female ____ Male

3 SSN (last 4 digits): XXX-XX-____

4 RACE: _____

5 DRIVER LIC.# _____

6 ARRESTING AGENCY: _____

7 SID# (if available): _____

8 ARREST NUMBER (ATN): _____

9 AGENCY ITEM NUMBER: _____

10 ARREST DATE: ____/____/____ (MM/DD/YY)

11 **THUS ORDERED AND SIGNED** this ____ day of _____, 20____

12 at _____, Louisiana.

13 _____

14 JUDGE

15 **PLEASE SERVE:**

16 1. District Attorney: _____

17 2. Arresting Agency: _____

18 3. Parish Sheriff: _____

19 4. Louisiana Bureau of Criminal Identification and Information _____

20 5. Attorney for Defendant (or defendant) _____

21 6. Clerk of Court _____

22 Art. 993. Supplemental forms to be used

23 **SUPPLEMENTAL SHEET**

24 ____ Yes ____ No **ARRESTS THAT DID NOT RESULT IN CONVICTION**

25 **NO.** ____ La. Rev. Stat. Ann. § ____ : ____

26 Name of the offense _____

27 () Time expired for prosecution ____/____/____

28 (MM/DD/YYYY)

29 () Charge refused by DA - not prosecuted.

1 () Pre-trial Diversion Program.

2 () Charge dismissed

3 () Found not guilty/judgment of acquittal

4 **NO.** ____ La. Rev. Stat. Ann. § _____ : _____

5 Name of the offense _____

6 () Time expired for prosecution ____/____/____

7 (MM/DD/YYYY)

8 () Charge refused by DA - not prosecuted.

9 () Pre-trial Diversion Program.

10 () Charge dismissed

11 () Found not guilty/judgment of acquittal

12 **NO.** ____ La. Rev. Stat. Ann. § _____ : _____

13 Name of the offense _____

14 () Time expired for prosecution ____/____/____

15 (MM/DD/YYYY)

16 () Charge refused by DA - not prosecuted.

17 () Pre-trial Diversion Program.

18 () Charge dismissed

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20 **NO.** ____ La. Rev. Stat. Ann. § _____ : _____

21 Name of the offense _____

22 () Time expired for prosecution ____/____/____

23 (MM/DD/YYYY)

24 () Charge refused by DA - not prosecuted.

25 () Pre-trial Diversion Program.

26 () Charge dismissed

27 () Found not guilty/judgment of acquittal

28 **NO.** ____ La. Rev. Stat. Ann. § _____ : _____

29 Name of the offense _____

1 () Time expired for prosecution ____/____/____
2 (MM/DD/YYYY)

3 () Charge refused by DA - not prosecuted.

4 () Pre-trial Diversion Program.

5 () Charge dismissed

6 () Found not guilty/judgment of acquittal

7 **NO.** ____ La. Rev. Stat. Ann. § ____ : ____

8 Name of the offense _____

9 () Time expired for prosecution ____/____/____
10 (MM/DD/YYYY)

11 () Charge refused by DA - not prosecuted.

12 () Pre-trial Diversion Program.

13 () Charge dismissed

14 () Found not guilty/judgment of acquittal

15 **SUPPLEMENTAL SHEET**

16 ____ Yes ____ No **MISDEMEANOR CONVICTIONS**

17 **NO.** ____ La. Rev. Stat. Ann. § ____ : ____

18 Name of the offense _____

19 () Conviction set aside/dismissed ____/____/____
20 (MM/DD/YYYY)

21 pursuant to C.Cr.P. Art. 894(B)

22 () More than 5 years have passed

23 since completion of sentence.

24 **NO.** ____ La. Rev. Stat. Ann. § ____ : ____

25 Name of the offense _____

26 () Conviction set aside/dismissed ____/____/____
27 (MM/DD/YYYY)

28 pursuant to C.Cr.P. Art. 894(B)

29 () More than 5 years have passed

1 since completion of sentence.

2 **NO.** ____ La. Rev. Stat. Ann. § _____ :

3 Name of the offense _____

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

5 (MM/DD/YYYY)

6 pursuant to C.Cr.P. Art. 894(B)

7 () More than 5 years have passed

8 since completion of sentence.

9 **NO.** ____ La. Rev. Stat. Ann. § _____ :

10 Name of the offense _____

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

12 (MM/DD/YYYY)

13 pursuant to C.Cr.P. Art. 894(B)

14 () More than 5 years have passed

15 since completion of sentence.

16 **NO.** ____ La. Rev. Stat. Ann. § _____ :

17 Name of the offense _____

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

19 (MM/DD/YYYY)

20 pursuant to C.Cr.P. Art. 894(B)

21 () More than 5 years have passed

22 since completion of sentence.

23 **NO.** ____ La. Rev. Stat. Ann. § _____ :

24 Name of the offense _____

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

26 (MM/DD/YYYY)

27 pursuant to C.Cr.P. Art. 894(B)

28 () More than 5 years have passed

29 since completion of sentence.

1 since completion of sentence

2 () Received a first offender pardon for an eligible offense

3 **NO.** ____ La. Rev. Stat. Ann. § _____ :

4 Name of the offense _____

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

6 (MM/DD/YYYY)

7 pursuant to C.Cr.P. Art. 893(E)

8 () More than 10 years have passed

9 since completion of sentence

10 () Received a first offender pardon for an eligible offense

11 **NO.** ____ La. Rev. Stat. Ann. § _____ :

12 Name of the offense _____

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

14 (MM/DD/YYYY)

15 pursuant to C.Cr.P. Art. 893(E)

16 () More than 10 years have passed

17 since completion of sentence

18 () Received a first offender pardon for an eligible offense

19 **NO.** ____ La. Rev. Stat. Ann. § _____ :

20 Name of the offense _____

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

22 (MM/DD/YYYY)

23 pursuant to C.Cr.P. Art. 893(E)

24 () More than 10 years have passed

25 since completion of sentence

26 () Received a first offender pardon for an eligible offense

27 **NO.** ____ La. Rev. Stat. Ann. § _____ :

28 Name of the offense _____

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

2 (MM/DD/YYYY)

3 pursuant to C.Cr.P. Art. 893(E)

4 () More than 10 years have passed

5 since completion of sentence

6 () Received a first offender pardon for an eligible offense

7 **NO.** ____ La. Rev. Stat. Ann. § ____ : ____

8 Name of the offense _____

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

10 (MM/DD/YYYY)

11 pursuant to C.Cr.P. Art. 893(E)

12 () More than 10 years have passed

13 since completion of sentence

14 () Received a first offender pardon for an eligible offense

15 **NO.** ____ La. Rev. Stat. Ann. § ____ : ____

16 Name of the offense _____

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

18 (MM/DD/YYYY)

19 pursuant to C.Cr.P. Art. 893(E)

20 () More than 10 years have passed

21 since completion of sentence

22 () Received a first offender pardon for an eligible offense

23 **NO.** ____ La. Rev. Stat. Ann. § ____ : ____

24 Name of the offense _____

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

26 (MM/DD/YYYY)

27 pursuant to C.Cr.P. Art. 893(E)

28 () More than 10 years have passed

29 since completion of sentence

