

2020 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 29

BY REPRESENTATIVE JAMES

CRIMINAL/RECORDS: Creates the Clean Slate Task Force

1                                   A CONCURRENT RESOLUTION

2    To authorize and direct the creation of the Clean Slate Task Force to study and evaluate the  
3            process and procedure for automatic criminal record-clearing for individuals who are  
4            eligible for expungement under Louisiana law.

5            WHEREAS, Pennsylvania in 2018 and Utah in 2019 passed "clean slate" legislation,  
6    allowing for automatic record-clearing under their respective states' expungement laws;  
7    Washington and Michigan are also considering "clean slate" legislation to automate  
8    expungements; and

9            WHEREAS, in the 2019 Regular Session of the Legislature of Louisiana, House  
10   Concurrent Resolution No. 106 requested certain groups to study and evaluate the process  
11   and procedure for automatic criminal record-clearing for individuals who remain free from  
12   convictions for a certain period of time; and

13           WHEREAS, Louisiana law provides for the mandatory expungement of certain  
14   records without cost to the defendant when the defendant was arrested and not convicted,  
15   the district attorney declined to prosecute, or the time limitations for the institution of  
16   prosecution expired; and

17           WHEREAS, current Louisiana law does not destroy a criminal record, but rather  
18   authorizes law enforcement, district attorneys, licensing boards, and a number of other  
19   statutorily enumerated agencies to continue to view criminal records after the records are  
20   expunged; and

1           WHEREAS, there are many barriers associated with a criminal record, such as  
2 employment, cognitive development, attaining a degree, and locating housing; and

3           WHEREAS, according to research by the University of Michigan, people are eleven  
4 percent more likely to be employed and earn higher wages one year after a criminal record  
5 is cleared; and

6           WHEREAS, a vast majority of people cannot afford a lawyer, pay court fees, or  
7 navigate the process to petition the court for expungement; and

8           WHEREAS, automatic criminal record-clearing removes the burden of filing a court  
9 petition, is likely to reduce recidivism and will benefit the national economy, which loses  
10 approximately eighty-seven billion dollars in gross domestic product every year by not  
11 hiring people with criminal records.

12           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
13 authorize and direct the creation of the Clean Slate Task Force to develop processes and  
14 procedures to implement automatic criminal record-clearing in Louisiana and to recommend  
15 any legislative changes that would be necessary to enact automatic criminal record-clearing  
16 under Louisiana expungement law.

17           BE IT FURTHER RESOLVED that the task force shall be composed of the  
18 following members:

19           (1) The chairman of the House Committee on Administration of Criminal Justice,  
20 who authored HCR No. 106 of the 2019 Regular Session of the Legislature, or his designee.

21           (2) The governor or his designee.

22           (3) The chief justice or his designee.

23           (4) A representative from the Case Management Information System Division of the  
24 Louisiana Supreme Court.

25           (5) The speaker of the House of Representatives or his designee.

26           (6) The president of the Senate or his designee.

27           (7) The secretary of the Department of Public Safety and Corrections or his  
28 designee.

29           (8) The president of the Louisiana Sheriffs' Association or his designee.

1           (9) Three representatives from Louisiana State Police, at least one of which  
2 represents the technology team for the Criminal Repository.

3           (10) The executive director of the Louisiana Clerks of Court Association or his  
4 designee.

5           (11) The executive director of the Louisiana Commission on Law Enforcement and  
6 Administration of Criminal Justice or his designee.

7           (12) The president or executive director of the Louisiana District Attorneys  
8 Association or their designee, and an individual from the technology team for the  
9 association.

10          (13) The district attorney for the parish of East Baton Rouge or his designee.

11          (14) A district attorney appointed by the Louisiana District Attorneys Association.

12          (15) A representative from the staff of the Louisiana Public Defender Board.

13          (16) A public defender appointed by the Louisiana Public Defender Board.

14          (17) A representative from the East Baton Rouge Office of the Public Defender.

15          (18) Two representatives from the Justice and Accountability Center of Louisiana.

16          (19) A representative from Louisianans for Prison Alternatives.

17          (20) A representative from Voice of the Experienced.

18          (21) A representative from Right on Crime.

19          (22) A representative from the Louisiana Association of Business and Industry.

20          BE IT FURTHER RESOLVED that a majority of the membership of the task force  
21 shall constitute a quorum and shall elect the chairman of the task force at its first meeting.

22          The task force shall meet at the call of the chairperson or upon an affirmative vote of a  
23 majority of the task force members. All members shall be notified in writing of all meetings  
24 at least five days before the date on which a meeting of the task force is scheduled.

25          BE IT FURTHER RESOLVED that meetings of the task force shall take place at the  
26 Louisiana State Capitol and the first meeting of the task force shall take place no later than  
27 August 1, 2020.

28          BE IT FURTHER RESOLVED that the duties of the task force shall include but not  
29 be limited to all of the following:

1 (1) Analyze Louisiana criminal record data to determine changes that are necessary  
2 to provide for automatic criminal record-clearing.

3 (2) Recommend any legislation necessary for the 2021 Regular Session of the  
4 Legislature to enact automatic criminal record-clearing for eligible individuals.

5 (3) Recommend the amount of funds necessary for the enactment of "clean slate"  
6 legislation to be included in the budget prior to the 2021 Regular Session of the Legislature.

7 BE IT FURTHER RESOLVED that the task force may request and collect relevant  
8 and necessary data and information to accomplish its purposes from state and local  
9 government agencies, including courts.

10 BE IT FURTHER RESOLVED that the entities and court systems from which such  
11 information and data is requested may, to the extent feasible, provide such information and  
12 data to the task force at no cost.

13 BE IT FURTHER RESOLVED that the task force shall maintain qualified technical  
14 assistance and support through the continued assistance of Code for America and the Crime  
15 and Justice Institute.

16 BE IT FURTHER RESOLVED that the task force shall prepare and submit a report  
17 of its findings and policy recommendations to the governor, the speaker of the House of  
18 Representatives, and the president of the Senate no later than February 1, 2021, and any  
19 further reports or recommendations thereafter as requested by the governor or the legislature,  
20 or as advised by the task force.

21 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to each  
22 of the task force members and the appointing entities provided in this Resolution.

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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)]

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Creates the Clean Slate Task Force to develop processes and procedures to implement automatic criminal record-clearing in La., and to recommend any legislative changes that would be necessary to enact automatic criminal record-clearing under La. expungement law.