
HOUSE COMMITTEE AMENDMENTS

2021 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 604 by Representative James

1 AMENDMENT NO. 1

2 On page 1, line 2, after "971(7)," and "974(B)" insert "973(E),"

3 AMENDMENT NO. 2

4 On page 2, line 13, "971(7)," and "974(B)" insert "973(E),"

5 AMENDMENT NO. 3

6 On page 3, delete lines 17 and 18 in their entirety and insert the following:

7 "(10) Government-initiated expungement" means the removal from public access of eligible
8 criminal history record information contained in the Criminal repository and Case
9 Management Information System (CMIS) through the automated process described in this
10 Title."

11 AMENDMENT NO. 4

12 On page 3, line 20, after "arrest" delete the remainder of the line and insert a comma "," and
13 insert "not including traffic offenses as provided for in Title"

14 AMENDMENT NO. 5

15 On page 3, line 25, change "is" to "may be"

16 AMENDMENT NO. 6

17 On page 4, line 3, change "length" to "period"

18 AMENDMENT NO. 7

19 On page 4, delete line 4 in its entirety and insert "of a felony or misdemeanor serves for any
20 sentence including time in custody,"

21 AMENDMENT NO. 8

22 On page 4, between lines 7 and 8 insert the following:

23 "Art. 973. Effect of expunged record of arrest or conviction

24 * * *

25 E. Nothing in this Article shall be construed to limit or impair in any way the
26 subsequent use of any expunged record of any arrests or convictions by a judge, law
27 enforcement agency, criminal justice agency, or prosecutor including its use as a predicate
28 offense, for the purposes of the Habitual Offender Law, setting bail, sentencing, or as
29 otherwise authorized by law.

30 * * *"

1 AMENDMENT NO. 9

2 On page 5, line 2, after "dismissal," delete the remainder of the line and insert "with
3 prejudice, sustaining a motion to quash with prejudice, or acquittal."

4 AMENDMENT NO. 10

5 On page 5, at the end of line 16, change "a" to "an"

6 AMENDMENT NO. 11

7 On page 5, at the beginning of line 17, delete "government initiated"

8 AMENDMENT NO. 12

9 On page 6, line 3, after "since the" delete the remainder of the line and insert "person
10 completed any"

11 AMENDMENT NO. 13

12 On page 10, delete line 9 in its entirety

13 AMENDMENT NO. 14

14 On page 10, after "redaction" delete the remainder of the line and delete line 20 in its entirety
15 and insert "with proper notice to"

16 AMENDMENT NO. 15

17 On page 11, at the end of line 5, insert "and fees"

18 AMENDMENT NO. 16

19 On page 11, line 10, after "motions" delete the remainder of the line and insert "for"

20 AMENDMENT NO. 17

21 On page 11, at the beginning of line 14, insert "expungements of"

22 AMENDMENT NO. 18

23 On page 18, delete lines 25 through 28 in their entirety and on page 19, delete lines 1
24 through 20 in their entirety and insert the following:

25 "(1) The district attorney for any reason declined to prosecute any offense out of that arrest,
26 including the reason that the person successfully completed a pretrial diversion program.
27 (2) Prosecution was instituted and such proceedings have been finally disposed of by
28 dismissal with prejudice, sustaining of a motion to quash with prejudice, or acquittal.
29 (3) The person was judicially determined to be factually innocent and entitled to
30 compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8. The
31 person may seek to have the arrest and conviction which formed the basis for the wrongful
32 conviction expunged without the limitations or time delays imposed by the provisions of this
33 Article or any other provision of law to the contrary."

34 AMENDMENT NO. 19

35 On page 20, delete lines 13 and 14 in their entirety ad insert "Five years have elapsed since
36 the "completion of the sentence duration for"

1 AMENDMENT NO. 20

2 On page 20, delete lines 21 and 22 in their entirety

3 AMENDMENT NO. 21

4 On page 21, line 16, delete "sentence date plus" and insert "completion of"

5 AMENDMENT NO. 22

6 On page 22, line 18, "sentence date plus" and insert "completion of"

7 AMENDMENT NO. 23

8 On page 24, delete lines 3 through 24 in their entirety

9 AMENDMENT NO. 24

10 On page 25, delete lines 6 through 13 in their entirety and insert the following:

11 "(1) The district attorney for any reason declined to prosecute any offense out of that arrest,
12 including the reason that the person successfully completed a pretrial diversion program.
13 (2) Prosecution was instituted and such proceedings have been finally disposed of by
14 dismissal with prejudice, sustaining of a motion to quash with prejudice, or acquittal.
15 (3) The person was judicially determined to be factually innocent and entitled to
16 compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8. The
17 person may seek to have the arrest and conviction which formed the basis for the wrongful
18 conviction expunged without the limitations or time delays imposed by the provisions of this
19 Article or any other provision of law to the contrary."

20 AMENDMENT NO. 25

21 On page 26, line 5, delete "sentence or disposition date for" and insert "completion of the
22 sentence duration for"

23 AMENDMENT NO. 26

24 On page 26, delete lines 7 through 9 in their entirety

25 AMENDMENT NO. 27

26 On page 27, delete lines 19 through 29 in their entirety and on page 28, delete lines 1
27 through 9 in their entirety

28 AMENDMENT NO. 28

29 On page 28, delete lines 28 and 29 in their entirety and on page 29, delete lines 1 through
30 4 in their entirety