

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 before "974(B)" insert "973(E),"

3 AMENDMENT NO. 2

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

5 AMENDMENT NO. 3

6 On page 3, line 13, after "fingerprint" delete the remainder of the line and delete line 14 in
7 its entirety and insert "identifying a person included in the Automatic Fingerprint"

8 AMENDMENT NO. 4

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

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

14 AMENDMENT NO. 5

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

17 AMENDMENT NO. 6

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

19 AMENDMENT NO. 7

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

21 AMENDMENT NO. 8

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

24 AMENDMENT NO. 9

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

26 "Art. 973. Effect of expunged record of arrest or conviction
27 * * *
28 E. Nothing in this Article shall be construed to limit or impair in any way the
29 subsequent use of any expunged record of any arrests or convictions by a judge, law
30 enforcement agency, criminal justice agency, or prosecutor including its use as a
31 predicate offense, for the purposes of the Habitual Offender Law, setting bail,
32 sentencing, or as otherwise authorized by law.
33 * * *"

1 AMENDMENT NO. 10

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. 11

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

6 AMENDMENT NO. 12

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

8 AMENDMENT NO. 13

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

11 AMENDMENT NO. 14

12 On page 10, delete line 9 in its entirety

13 AMENDMENT NO. 15

14 On page 10, line 19, after "redaction" delete the remainder of the line and delete line 20 in
15 its entirety and insert "with proper notice to"

16 AMENDMENT NO. 16

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

18 AMENDMENT NO. 17

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

20 AMENDMENT NO. 18

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

22 AMENDMENT NO. 19

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 person was not prosecuted for the offense for which he was~~
26 ~~arrested, and the limitations on the institution of prosecution have barred the~~
27 ~~prosecution for that offense. The district attorney for any reason declined to~~
28 ~~prosecute any offense out of that arrest, including the reason that the person~~
29 ~~successfully completed a pretrial diversion program.~~

30 ~~(2) The district attorney for any reason declined to prosecute any offense~~
31 ~~arising out of that arrest, including the reason that the person successfully completed~~
32 ~~a pretrial diversion program. Prosecution was instituted and such proceedings have~~
33 ~~been finally disposed of by dismissal with prejudice, sustaining of a motion to quash~~
34 ~~with prejudice, or acquittal.~~

35 ~~(3) Prosecution was instituted and such proceedings have been finally~~
36 ~~disposed of by dismissal, sustaining of a motion to quash, or acquittal. The person~~
37 ~~was judicially determined to be factually innocent and entitled to compensation for~~
38 ~~a wrongful conviction pursuant to the provisions of R.S. 15:572.8. The person may~~
39 ~~seek to have the arrest and conviction which formed the basis for the wrongful~~

1 conviction expunged without the limitations or time delays imposed by the
2 provisions of this Article or any other provision of law to the contrary.

3 ~~(4) The person was judicially determined to be factually innocent and~~
4 ~~entitled to compensation for a wrongful conviction pursuant to the provisions of R.S.~~
5 ~~15:572.8. The person may seek to have the arrest and conviction which formed the~~
6 ~~basis for the wrongful conviction expunged without the limitations or time delays~~
7 ~~imposed by the provisions of this Article or any other provision of law to the~~
8 ~~contrary."~~

9 AMENDMENT NO. 20

10 On page 20, delete lines 13 and 14 in their entirety and insert "(2) More than five Five years
11 have elapsed since the ~~person completed any sentence, deferred adjudication, or period of~~
12 completion of the sentence duration for"

13 AMENDMENT NO. 21

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

15 AMENDMENT NO. 22

16 On page 21, at the beginning of line 16, delete "sentence date plus" and insert "completion
17 of"

18 AMENDMENT NO. 23

19 On page 22, at the end of line 18, delete "sentence date plus" and insert "completion of"

20 AMENDMENT NO. 24

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

22 AMENDMENT NO. 25

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

24 "(1) The district attorney for any reason declined to prosecute any offense
25 out of that arrest, including the reason that the person successfully completed a
26 pretrial diversion program.

27 (2) Prosecution was instituted and such proceedings have been finally
28 disposed of by dismissal with prejudice, sustaining of a motion to quash with
29 prejudice, or acquittal.

30 (3) The person was judicially determined to be factually innocent and
31 entitled to compensation for a wrongful conviction pursuant to the provisions of R.S.
32 15:572.8. The person may seek to have the arrest and conviction which formed the
33 basis for the wrongful conviction expunged without the limitations or time delays
34 imposed by the provisions of this Article or any other provision of law to the
35 contrary."

36 AMENDMENT NO. 26

37 On page 26, line 5, after "the" and before "any" delete "sentence or disposition date for" and
38 insert "completion of the sentence duration for"

39 AMENDMENT NO. 27

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

1 AMENDMENT NO. 28

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

4 AMENDMENT NO. 29

5 On page 28, delete lines 28 and 29 in their entirety and on page 29, delete lines 1 through
6 4 in their entirety