
SENATE COMMITTEE AMENDMENTS

2021 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Re-Reengrossed House Bill
No. 604 by Representative James

1 AMENDMENT NO. 1

2 On page 1, line 2, delete "973(D)" and insert "973(A)(1), (D),"

3 AMENDMENT NO. 2

4 On page 1, line 8, after "983(J)" insert "and (K)"

5 AMENDMENT NO. 3

6 On page 1, line 9, delete "978(E)(2)," and insert "978(B)(2)(b) and (E)(2), 983(A) through
7 (I),"

8 AMENDMENT NO. 4

9 On page 2, line 14, after "relative" change "for" to "to"

10 AMENDMENT NO. 5

11 On page 2, line 16, delete "973(D)" and insert "973(A)(1), (D),"

12 AMENDMENT NO. 6

13 On page 2, line 19, after "983(J)" insert "and (K)"

14 AMENDMENT NO. 7

15 On page 2, line 24, delete "Automatic" and insert "Automated"

16 AMENDMENT NO. 8

17 On page 3, between lines 15 and 16, insert the following:

18 "(9) "Disposition" means an individualized record within the criminal
19 repository or CMIS that includes arrest information, including the date, offenses at
20 time of arrest, and arresting or booking agency, and the outcome of the record as
21 either a non-conviction or conviction."

22 AMENDMENT NO. 9

23 On page 3, line 16, delete "(9) Fingerprinted record of arrest" and insert "(10) Fingerprint-
24 based record"

25 AMENDMENT NO. 10

26 On page 3, at the beginning of line 20, change "(10)" to "(11)"

27 AMENDMENT NO. 11

28 On page 3, at the beginning of line 21, delete "access of" and insert "view of, and access to,"

1 AMENDMENT NO. 12

2 On page 3, delete line 22 and insert "Repository, Case Management Information System
3 (CMIS), records of the clerks of court, and law enforcement agencies as transmitted through
4 the"

5 AMENDMENT NO. 13

6 On page 3, line 23, after "described in" delete "this Title" and insert "Code of Criminal
7 Procedure Articles 981.1 and 982.1"

8 AMENDMENT NO. 14

9 On page 3, line 24, delete "(11) Non-fingerprinted record of arrest" and insert "(13) Non-
10 fingerprint-based record"

11 AMENDMENT NO. 15

12 On page 3, line 27, after "Louisiana" insert a comma " , "

13 AMENDMENT NO. 16

14 On page 4, between lines 15 and 16, insert the following:

15 "A. An expunged record of arrest or conviction shall be confidential and no
16 longer considered to be a public record and shall not be made available to any person
17 or other entity except for the following:

18 (1) To a member of a law enforcement or criminal justice agency, including
19 the Louisiana Supreme Court, or prosecutor who shall request that information in
20 writing, certifying that the request is for the purpose of investigating, prosecuting,
21 or enforcing criminal law, for the purpose of any other statutorily defined law
22 enforcement or administrative duties, or for the purposes of the requirements of sex
23 offender registration and notification pursuant to the provisions of R.S. 15:540 et
24 seq."

25 AMENDMENT NO. 17

26 On page 4, line 19, delete "Code" and insert "Title"

27 AMENDMENT NO. 18

28 On page 4, line 21, delete "office of state police" and insert "Louisiana Bureau of Criminal
29 Identification and Information"

30 AMENDMENT NO. 19

31 On page 4, line 27, delete "Louisiana State Police" and insert "Louisiana Bureau of Criminal
32 Identification and Information"

33 AMENDMENT NO. 20

34 On page 5, line 3, delete "office of state police" and insert "Louisiana Bureau of Criminal
35 Identification and Information"

36 AMENDMENT NO. 21

37 On page 5, between lines 4 and 5, insert the following:

38 "(4) Prior to any cause of action, including but not limited to damages, writ
39 of mandamus, or declaratory relief, against the Louisiana Bureau of Criminal
40 Identification and Information for records not expunged pursuant to the provisions

1 of Code of Criminal Procedure Articles 976, 976.1, 977.1, or 978, when the
 2 necessary data existed in the criminal repository but the government-initiated
 3 expungement did not process due to technological error, an individual awaiting a
 4 government-initiated expungement shall before filing a cause of action first file a
 5 petition-based expungement of the record, free of fees or costs, and wait the requisite
 6 time periods for petition-based expungement."

7 AMENDMENT NO. 22

8 On page 5, line 8, after "Law," insert "enforcement of active criminal protective orders,"

9 AMENDMENT NO. 23

10 On page 5, delete line 12 and insert the following:

11 A. ~~Any~~ Any private third-party entity, excluding a news-gathering organization,
 12 that compiles and ~~seeks to disseminates~~ disseminate criminal history information for
 13 compensation shall contract with clerks of court or the Louisiana Clerks Remote
 14 Access Authority, R.S. 13:754, to ensure the timeliness and accuracy of all data
 15 received. The contract shall stipulate that updated data that excludes expunged
 16 records is transmitted at least monthly, if not more frequently, to the third-party
 17 entity, which shall be required to utilize only the most recent monthly data. The
 18 third party entity shall not disseminate any information in its possession regarding
 19 an arrest, conviction, or other disposition after it has received notice of an issuance
 20 of a court order to expunge the record of any such arrest or conviction, a certificate
 21 of compliance of a government-initiated expungement, or the updated monthly data
 22 as prescribed in the contract with a clerk of court or the Louisiana Clerks Remote
 23 Access Authority. The provisions of this Paragraph shall not apply to private third-
 24 party entities which are regulated by the Fair Credit Reporting Act (15 U.S.C. §1681
 25 et seq.) or the Gramm-Leach-Bliley Act (15 U.S.C. §6801-6809).

26 AMENDMENT NO. 24

27 On page 5, line 13, after "obtaining ~~the~~" delete "a petition-based" and insert "an"

28 AMENDMENT NO. 25

29 On page 5, delete lines 14 and 15 and insert "notice of the order of expungement or
 30 certificate of compliance by electronic, certified, or registered mail, ~~with return receipt~~"

31 AMENDMENT NO. 26

32 On page 5, line 19, after "courts" insert "as provided for in Paragraph A of this Article"

33 AMENDMENT NO. 27

34 On page 6, delete lines 13 and 14 and insert the following:

35 "(5) The criminal repository or the Louisiana Supreme Court through the
 36 Case Management Information System did not complete an expungement under
 37 Code of Criminal Procedure Article 976 or 976.1"

38 AMENDMENT NO. 28

39 On page 6, line 23 after "repository or" insert "the Louisiana Supreme Court through the"

40 AMENDMENT NO. 29

41 On page 6, delete line 24 and insert "expungement under Code of Criminal Procedure Article
 42 976 or 976.1"

1 AMENDMENT NO. 30

2 On page 6, line 28, after "provisions of" insert "Code of Criminal Procedure"

3 AMENDMENT NO. 31

4 On page 7, delete line 6 and insert "to Code of Criminal Procedure Article 894(B)."

5 AMENDMENT NO. 32

6 On page 7, line 12, after "repository or" insert "the Louisiana Supreme Court through the"

7 AMENDMENT NO. 33

8 On page 7, delete line 13 and insert "expungement under Code of Criminal Procedure Article
9 977 or 977.1"

10 AMENDMENT NO. 34

11 On page 7, line 21, after "provisions of" insert "Code of Criminal Procedure"

12 AMENDMENT NO. 35

13 On page 8, at the beginning of line 2, after "to" insert "Code of Criminal Procedure"

14 AMENDMENT NO. 36

15 On page 8, at the beginning of line 16, after "repository or" insert "the Louisiana Supreme
16 Court through the"

17 AMENDMENT NO. 37

18 On page 8, line 17, after "Article" delete the remainder of the line and insert "978."

19 AMENDMENT NO. 38

20 On page 8, delete line 18

21 AMENDMENT NO. 39

22 On page 8, line 25, after "provision of" inset "Code of Criminal Procedure"

23 AMENDMENT NO. 40

24 On page 9, line 22, after "pursuant to" insert "Code of Criminal Procedure"

25 AMENDMENT NO. 41

26 On page 9, line 28, after "provisions of" inset "Code of Criminal Procedure"

27 AMENDMENT NO. 42

28 On page 10, line 17, after "provided by" insert "Code of Criminal Procedure"

29 AMENDMENT NO. 43

30 On page 10, line 26, delete "Article 982 of this Code" and insert "Code of Criminal
31 Procedure Article 982"

1 AMENDMENT NO. 44

2 On page 10, line 27, delete "Article 979 of this Code" and insert "Code of Criminal
3 Procedure Article 979"

4 AMENDMENT NO. 45

5 On page 11, line 9 after "et seq." delete the remainder of the line

6 AMENDMENT NO. 46

7 On page 11, delete line 10 and insert the following:

8 "J. A person shall not be charged any processing fees or costs for a
9 government-initiated expungement of his records.

10 K. Beginning August 1, 2025, a person shall not be charged any processing
11 fees or costs for a petition-based expungement of his records."

12 AMENDMENT NO. 47

13 On page 11, line 20 after "redaction" insert "or a government-initiated expungement is
14 processed"

15 AMENDMENT NO. 48

16 On page 11, line 28, after "described in" insert "Code of Criminal Procedure"

17 AMENDMENT NO. 49

18 On page 12, line 8, delete "Article 979 et seq. of this Code" and insert "Code of Criminal
19 Procedure Article 979 et seq."

20 AMENDMENT NO. 50

21 On page 12, lines 11, after "provided for in" insert "Code of Criminal Procedure"

22 AMENDMENT NO. 51

23 On page 12, line 12, after "995" delete "of this Code"

24 AMENDMENT NO. 52

25 On page 13, between lines 14 and 15, insert the following:

26 "ARREST NUMBER OR ATN: _____"

27 AMENDMENT NO. 53

28 On page 15, line 11, after "herein" delete the semicolon ";" and insert "for the following:"

29 AMENDMENT NO. 54

30 On page 15, between lines 11 and 12, insert the following:

31 "DOCKET NUMBER: _____"

32 CHARGE: _____

33 DATE OF ARREST: _____

34 ARREST NUMBER OR ATN: _____

1 CITY/PARISH OF ARREST: _____ "

2 AMENDMENT NO. 55

3 On page 15, line 26, after "70806" delete the quotation mark ""

4 AMENDMENT NO. 56

5 On page 16, line 9, after "No(s). ____ delete the quadruple commas " , , , , "

6 AMENDMENT NO. 57

7 On page 19, line 19, delete "fingerprinted" and insert "fingerprint-based"

8 AMENDMENT NO. 58

9 On page 19, line 21, delete "fingerprinted" and insert "fingerprint-based"

10 AMENDMENT NO. 59

11 On page 19, line 22, after "~~if any~~" insert "for which the Louisiana Bureau of Criminal
12 Identification and Information has a disposition"

13 AMENDMENT NO. 60

14 On page 19, line 23, after "government automation" insert "by the criminal repository"

15 AMENDMENT NO. 61

16 On page 19, line 26, after "~~offense.~~" delete the remainder of the line and insert the following:

17 "The person was not prosecuted for the offense for which he was arrested, and the
18 limitations on the institution of prosecution have barred the prosecution for that
19 offense."

20 AMENDMENT NO. 62

21 On page 19, delete lines 27 and 28

22 AMENDMENT NO. 63

23 On page 20, line 3, after "~~program.~~" delete the remainder of the line and insert the following:

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

27 AMENDMENT NO. 64

28 On page 20, delete lines 4 and 5

29 AMENDMENT NO. 65

30 On page 20, line 7 after "~~acquittal.~~" delete the remainder of the line and insert the following:

31 "Prosecution was instituted and such proceedings have been finally disposed of by
32 dismissal, sustaining of a motion to quash, or acquittal.

33 (4) The person was judicially determined to be factually innocent and entitled
34 to compensation for wrongful conviction pursuant to the provision of R.S. 15:572.8.
35 The person may seek to have the arrest and conviction which formed the basis for

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

3 AMENDMENT NO. 66

4 On page 20, delete lines 8 through 18

5 AMENDMENT NO. 67

6 On page 21, delete line 2 and insert "shall be transmitted or otherwise shared, and completed
7 and served, pursuant to the provisions of Code of Criminal Procedure Articles 981.1 and
8 982.1."

9 AMENDMENT NO. 68

10 On page 21, line 4, delete "fingerprinted" and insert "fingerprint-based"

11 AMENDMENT NO. 69

12 On page 21, line 6, after "his" delete the remainder of the line and insert "fingerprint-based
13 record of an"

14 AMENDMENT NO. 70

15 On page 21, delete lines 7 and 8 and insert "arrest and misdemeanor conviction for which
16 the Louisiana Bureau of Criminal Identification and Information has a disposition shall"

17 AMENDMENT NO. 71

18 On page 21, line 15, after "fingerprint-based" insert "record of a"

19 AMENDMENT NO. 72

20 On page 21, line 22, after "Code:" delete the remainder of the line and insert "The
21 government-initiated expungement of a fingerprint-based record of arrest and conviction of
22 a misdemeanor offense shall be transmitted or otherwise shared, and completed and served,
23 pursuant to the provisions of Code of Criminal Procedure Articles 981.1 and 982.1."

24 AMENDMENT NO. 73

25 On page 21, delete line 23

26 AMENDMENT NO. 74

27 On page 22, line 3, after "provisions of" insert "Code of Criminal Procedure"

28 AMENDMENT NO. 75

29 On page 22, line 4, after "985.1" delete "of this Code"

30 AMENDMENT NO. 76

31 On page 22, delete line 9 and insert the following:

32 "motion to expunge his record of arrest and a record of an arrest and conviction of
33 a felony offense if any of for which the Louisiana Bureau of Criminal Identification
34 and Information has a disposition shall"

35 AMENDMENT NO. 77

36 On page 22, delete line 10

1 AMENDMENT NO. 78

2 On page 22, line 17, delete "fingerprinted" and insert "fingerprint-based record of a"

3 AMENDMENT NO. 79

4 On page 22, line 18, delete "fingerprinted" and insert "fingerprint-based record of a"

5 AMENDMENT NO. 80

6 On page 22, line 25, after "processed for" delete the remainder of the line and insert "an
7 arrest and conviction of a felony offense"

8 AMENDMENT NO. 81

9 On page 22, at the beginning of line 26, delete "arrest associated"

10 AMENDMENT NO. 82

11 On page 23, line 2, after "979" delete the remainder of the line and insert the following:

12 "The government-initiated expungement of a fingerprint-based record of arrest and
13 conviction of a felony offense shall be transmitted or otherwise shared, and
14 completed and served, pursuant to the provisions of Code of Criminal Procedure
15 Articles 981.1 and 982.1."

16 AMENDMENT NO. 83

17 On page 23, delete lines 3 and 4

18 AMENDMENT NO. 84

19 On page 23, line 9, delete "a felony conviction and any records associated with the arrest"
20 and insert "an arrest and conviction of a felony offense"

21 AMENDMENT NO. 85

22 On page 23, delete lines 14 through 16 and insert the following:

23 "(a) ~~More than ten~~ Ten years have elapsed since either the person completed
24 any sentence, deferred adjudication, or period of probation or parole completion of
25 sentence or sentence date plus sentence duration for any sentence, deferred
26 adjudication, or period of probation or parole based on the felony conviction,
27 whichever is later."

28 AMENDMENT NO. 87

29 On page 23, line 17, delete "fingerprinted" and insert "fingerprint-based record of a"

30 AMENDMENT NO. 88

31 On page 23, line 19, delete "fingerprinted" and insert "fingerprint-based record of a"

32 AMENDMENT NO. 89

33 On page 23, line 21, after "transmission" insert "or sharing"

34 AMENDMENT NO. 90

35 On page 23, line 22, delete "fingerprinted" and insert "fingerprint-based"

1 AMENDMENT NO. 91

2 On page 23, line 23, after "transmission" insert "or sharing"

3 AMENDMENT NO. 92

4 On page 24, line 12, after "transmit" insert "or otherwise share"

5 AMENDMENT NO. 93

6 On page 24, line 15 after "days" insert the following:

7 "and shall include all records of arrest and conviction with a prospective date of
8 government-initiated expungement eligibility."

9 AMENDMENT NO. 94

10 On page 24, line 17, after "month" delete the period "." and insert the following:

11 "and shall include records of arrest and conviction with dates of government-initiated
12 expungement eligibility as follows:

13 (1) For records eligible for government-initiated expungement between
14 January 1, 2012, and August 1, 2023, beginning August 1, 2024.

15 (2) For records eligible for government-initiated expungement between
16 January 1, 2000, and December 31, 2011, beginning August 1, 2025.

17 (3) For records eligible for government-initiated expungement between
18 January 1, 1975, and December 31, 1999, beginning August 1, 2026."

19 AMENDMENT NO. 95

20 On page 24, at the beginning of line 21, delete "listed on the certificate"

21 AMENDMENT NO. 96

22 On page 24, at the end of line 23, delete "right to"

23 AMENDMENT NO. 97

24 On page 24, at the beginning of line 24, delete "review or other"

25 AMENDMENT NO. 98

26 On page 24, between lines 25 and 26, insert the following:

27 "D. The Louisiana Bureau of Criminal Identification and Information may
28 adopt rules necessary for the implementation of this Section according to the
29 provisions of the Administrative Procedures Act.

30 E. The Louisiana Bureau of Criminal Identification and Information may
31 adopt rules pursuant to La. R.S. 15:588 that are necessary for the implementation of
32 this Section according to the provisions of the Administrative Procedures Act."

33 AMENDMENT NO. 99

34 On page 25, line 1, delete "non-fingerprinted" and insert "non-fingerprint-based"

35 AMENDMENT NO. 100

36 On page 25, line 3, delete "non-fingerprinted" and insert "non-fingerprint-based"

1 AMENDMENT NO. 101

2 On page 25, delete line 4 and insert "not result in a conviction for which CMIS has a
3 disposition shall be expunged through government automation by the Louisiana Supreme
4 Court at the"

5 AMENDMENT NO. 102

6 On page 25, between lines 5 and 6 insert the following:

7 "(1) The person was not prosecuted for the offense for which he was arrested,
8 and the limitations on the institution of prosecution have barred the prosecution for
9 that offense."

10 AMENDMENT NO. 103

11 On page 25, at the beginning of line 6, change "(1)" to "(2)" and after "offense" insert
12 "arising"

13 AMENDMENT NO. 104

14 On page 25, delete lines 9 through 11 and insert the following:

15 "(3) Prosecution was instituted and such proceedings have been finally
16 disposed of by dismissal, sustaining of a motion to quash, or acquittal."

17 AMENDMENT NO. 105

18 On page 25, at the beginning of line 12, change "(3)" to "(4)"

19 AMENDMENT NO. 106

20 On page 25, line 25, delete "non-fingerprinted" and insert "non-fingerprint based"

21 AMENDMENT NO. 107

22 On page 25, line 26, after "shall be" insert "transmitted or otherwise shared, and completed
23 and"

24 AMENDMENT NO. 108

25 On page 25, line 27, after "provisions of" delete the remainder of the line and insert "Code
26 of Criminal Procedure Articles 981.2 and 982.1"

27 AMENDMENT NO. 109

28 On page 26, line 2, delete "non-fingerprinted" and insert "non-fingerprint-based record of"

29 AMENDMENT NO. 110

30 On page 26, delete line 3 and insert "A. A non-fingerprint-based record of a misdemeanor
31 conviction for which CMIS has a disposition and any"

32 AMENDMENT NO. 111

33 On page 26, line 5, delete "Case Management Information System" and insert "Louisiana
34 Supreme Court"

1 AMENDMENT NO. 112

2 On page 26, line 9, delete "completion of the sentence duration" and insert "sentence or
3 disposition date"

4 AMENDMENT NO. 113

5 On page 26, delete lines 11 and 12 and insert the following:

6 "B. The government-initiated expungement of a non-fingerprint based record
7 of arrest and conviction of a misdemeanor offense shall be transmitted or otherwise
8 shared, and completed and served, pursuant to the provisions of Code of Criminal
9 Procedure Articles 981.2 and 982.1."

10 AMENDMENT NO. 114

11 On page 26, between lines 16 and 17, insert the following:

12 "(3) The misdemeanor conviction is the result of an arrest for a sex offense
13 as defined in R.S. 15:541, except that an interim expungement shall be available as
14 authorized by the provisions of Code of Criminal Procedure Article 985.1."

15 AMENDMENT NO. 115

16 On page 26, line 18, delete "Transmission" and insert "Certificate of compliance and
17 transmission or sharing"

18 AMENDMENT NO. 116

19 On page 26, delete line 20 and insert "A. The certificate of compliance and transmission or
20 sharing of data from the Louisiana Supreme Court shall include the following individual
21 identifying"

22 AMENDMENT NO. 117

23 On page 27, line 9, after "transmit" insert "or otherwise share"

24 AMENDMENT NO. 118

25 On page 27, line 13, after "days" insert "and shall include all records of arrest and conviction
26 with a prospective date of government-initiated expungement."

27 AMENDMENT NO. 119

28 On page 27, line 15, after "month" delete the period ":" and insert the following:

29 "and shall include records of arrest and conviction with dates of government-initiated
30 expungement eligibility as follows:

31 (1) For records eligible for government-initiated expungement between
32 January 1, 2012 and August 1, 2023, beginning August 1, 2024.

33 (2) For records eligible for government-initiated expungement between
34 January 1, 2000 and December 31, 2011, beginning August 1, 2025.

35 (3) For records eligible for government-initiated expungement between
36 January 1, 1975 and December 31, 1999, beginning August 1, 2026."

37 AMENDMENT NO. 120

38 On page 27, delete lines 16 through 19 and insert the following:

39 "C. Upon request from an individual seeking confirmation of their
40 government-initiated expungement, the Louisiana Supreme Court shall generate and

1 issue a certificate of compliance to the individual for purposes of confirming a record
2 has been expunged through the government-initiated process. The individual seeking
3 confirmation of a government-initiated expungement shall request the certificate
4 through a process established by the Louisiana Supreme Court. The Louisiana
5 Supreme Court may adopt rules necessary for the implementation of this Article."

6 AMENDMENT NO. 121

7 On page 27, line 21, after "Transmission" insert "or sharing"

8 AMENDMENT NO. 122

9 On page 27, delete line 22 and insert "fingerprint-based and non-fingerprint-based record of
10 an expungement"

11 AMENDMENT NO. 123

12 On page 27, line 24, after "transmit" insert "or otherwise share"

13 AMENDMENT NO. 124

14 On page 28, line 1, after "B. The" insert "Louisiana Supreme Court through the" and after
15 "transmit" insert "or otherwise share"

16 AMENDMENT NO. 125

17 On page 28, line 7, after "agency" insert ", if such agency is included in the arrest entry"

18 AMENDMENT NO. 126

19 On page 28, between lines 8 and 9, insert the following:

20 "C. Each entity listed in Paragraphs A and B of this Article, except for district
21 attorneys, upon receiving the transmission of, or being notified of shared access to,
22 government-initiated expungement data described in Code of Criminal Procedure
23 Articles 981.1 and 981.2 from the Louisiana Bureau of Criminal Identification and
24 Information or the Louisiana Supreme Court, shall within thirty days expunge the
25 records.

26 D. District attorneys, upon receiving the transmission of, or being notified of
27 shared access to, government-initiated expungement data described in Code of
28 Criminal Procedure Articles 981.1 and 981.2 from the Louisiana Bureau of Criminal
29 Identification and Information or the Louisiana Supreme Court, may comply with
30 Paragraph C of this Article, but are not required to manually sequester records
31 provided that they promulgate policies to verify whether records have been
32 expunged."

33 AMENDMENT NO. 127

34 On page 28, line 9, delete "978(E)(2) is" and insert "'978(B)(2)(b) and (E)(2) are"

35 AMENDMENT NO. 128

36 On page 28, between lines 14 and 15, insert the following: "Section 7. Code of Criminal
37 Procedure Articles 983(A) through (I) are hereby repealed in their entirety."

38 AMENDMENT NO. 129

39 On page 28, line 18, after "Sections" delete "1, 6, and 7" and insert "1 and 6"

1 AMENDMENT NO. 130

2 On page 28, line 20, after "2," insert "3,"

3 AMENDMENT NO. 131

4 On page 28, delete lines 22 and 23 and insert the following:

5 "Section 10. This Section and Section 7 of this Act shall become effective on August
6 1, 2025."