

2022 Regular Session

SENATE BILL NO. 357

BY SENATOR JACKSON

CRIMINAL RECORDS. Provides for the expungement of certain felony records. (8/1/22)

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AN ACT

To amend and reenact Code of Criminal Procedure Art. 978(E), relative to expungement of a felony offense; to provide for exceptions; to provide for certain conditions; to provide for a hearing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 978(E) is hereby amended and reenacted to read as follows:

Art. 978. Motion to expunge record of arrest and conviction of a felony offense

\* \* \*

E.(1) Notwithstanding any other provision of law to the contrary, after a contradictory hearing, the court may order the expungement of the arrest and conviction records of a person pertaining to a conviction of aggravated battery, second degree battery, aggravated criminal damage to property, simple robbery, purse snatching, ~~or~~ illegal use of weapons or dangerous instrumentalities, or manslaughter if all of the following conditions are proven by the petitioner:

(a) More than ~~ten~~ five years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole based on the felony

1 conviction.

2 (b) The person has not been convicted of any other criminal offense during  
3 the ~~ten~~ **five**-year period.

4 (c) The person has no criminal charge pending against him.

5 **(d) The person has been gainfully employed with no lapse in employment**  
6 **for more than thirty days during the five year period.**

7 (2) The motion filed pursuant to this Paragraph shall include a certification  
8 from the district attorney which verifies that, to his knowledge, the applicant has no  
9 convictions during the ~~ten~~ **five**-year period and no pending charges under a bill of  
10 information or indictment. The motion shall be heard by contradictory hearing as  
11 provided by Article 980.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Michael Bell.

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DIGEST

SB 357 Original                      2022 Regular Session                      Jackson

Present law provides for a contradictory hearing where the court has discretion to order the expungement of the arrest and conviction records of a person who was convicted of aggravated battery, second degree battery, aggravated criminal damage to property, simple robbery, purse snatching, or illegal use of weapons or dangerous instrumentalities if all of the following conditions are proven by the petitioner:

- (1) More than 10 years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole based on the felony conviction.
- (2) The person has not been convicted of any other criminal offense during the 10-year period.
- (3) The person has no criminal charge pending against him.

Proposed law retains present law but adds the crime of manslaughter to be considered for expungement, and changes the number of years from 10 to five to meet the conditions. Further provides as a condition that the person has been gainfully employed with no lapse in employment for more than 30 days during the five year period.

Effective August 1, 2022.

(Amends C.Cr.P. Art. 978(E))