

SENATE FLOOR AMENDMENTS

2022 Regular Session

Amendments proposed by Senator Mizell to Engrossed Senate Bill No. 148 by Senator Mizell

1 AMENDMENT NO. 1

2 On page 1, line 2, change "987" to "983(H) and (I)"

3 AMENDMENT NO. 2

4 On page 1, line 3, change "987.1," to "983(J) and 997 and"

5 AMENDMENT NO. 3

6 On page 1, line 4, after "trafficking;" delete the remainder of the line

7 AMENDMENT NO. 4

8 On page 1, delete line 5

9 AMENDMENT NO. 5

10 On page 1, line 6, delete "trafficking;"

11 AMENDMENT NO. 6

12 On page 1, line 10, change "987 is" to "983(H) and (I) are"

13 AMENDMENT NO. 7

14 On page 1, line 11, change "987.1 is" to "983(J) and 997 are"

15 AMENDMENT NO. 8

16 On page 1, delete lines 12 through 23 and insert:

17 "Art. 983. Cost of expungement of a record; fees; collection; exemptions;
18 disbursements

19 * * *

20 **H. Human trafficking victim request for certification and application for**
21 **expungement.**

22 **(1) An applicant for the expungement of a record of offense who was a**
23 **victim of human trafficking, in accordance with R.S. 14:46.2, may request a**
24 **certification from the prosecuting authority that the offense for which the**
25 **expungement is sought was committed, in substantial part, as the result of the**
26 **applicant being a victim of "human trafficking" in accordance with R.S.**
27 **14:46.2.**

28 **(2) To obtain certification, the applicant has the burden of establishing**
29 **by a preponderance of the evidence to the prosecuting authority that the offense**
30 **was committed, in substantial part, as the result of the applicant being a victim**
31 **of human trafficking in accordance with R.S. 14:46.2.**

32 **(3) The certification shall be prima facie evidence that similar eligible**
33 **crimes committed within other Louisiana jurisdictions during the time period**
34 **the applicant was a victim of human trafficking were committed, in substantial**
35 **part, as the result of the applicant being a victim of human trafficking in**
36 **accordance with R.S. 14:46.2.**

37 **(4) All applicable time delays pertaining to expungement provided by**
38 **Code of Criminal Procedure Articles 977 and 978 shall be waived when the**

certification is presented to the clerk of court with the application for expungement.

(5) An applicant for the expungement of a record of offense who was a victim of human trafficking, in accordance with R.S. 14:46.2, shall not be required to pay any fees relative to the application for expungement to the clerk of court, the Louisiana Bureau of Criminal Identification and Information, the sheriff, the district attorney, or any other agency.

(6) Utilization of the process outlined within this Subsection shall not preclude any applicant from seeking additional expungement to which the applicant may be entitled, in accordance with law.

(7) The Louisiana District Attorneys Association shall annually submit a report to the legislature, no later than February first, that includes the number of applications for, denials of, and approvals of the certification provided for by this Subsection for the prior year.

I. If an application for an expungement of a record includes two or more offenses arising out of the same arrest, including misdemeanors, felonies, or both, the applicant shall be required to pay only one fee as provided for by this Article.

† J. Notwithstanding any provision of law to the contrary, an applicant for the expungement of a record, other than as provided in Paragraphs F and G of this Article, may proceed in forma pauperis in accordance with the provisions of Code of Civil Procedure Article 5181 et seq.

* * *

AMENDMENT NO. 9

Delete pages 2 through 4 in their entirety.

AMENDMENT NO. 10

On page 5, delete lines 1 through 5

AMENDMENT NO. 11

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

"Art. 997. Certification of Human Trafficking Victim Status

STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF

NO.: _____

DIVISION: _____

STATE OF LOUISIANA

vs.

CERTIFICATION OF HUMAN TRAFFICKING VICTIM STATUS

In accordance with the provisions of Louisiana Code of Criminal Procedure Article 983, the Office of the District Attorney has reviewed and determined that one,

_____,
RACE/ GENDER: _____ DOB: _____,
SSN: _____, has established by a preponderance of the

evidence proof of status as a victim of human trafficking in accordance with the provisions of R. S. 14:46.2, for the following offense(s), detailed specifically as follows:

(If more than one offense, each relevant offense must be specifically listed in the following format)

OFFENSE: _____

DOCKET NO: _____

1 **CHARGE:** _____
2 **DATE OF ARREST:** _____
3 **ARRESTING AGENCY:** _____
4 **CITY/PARISH OF ARREST:** _____

5 **FURTHER, that the above offense(s) for which this Certification issued was**
6 **committed, in substantial part, as a result of the above-named being a victim of human**
7 **trafficking, in accordance with R.S. 14:46.2.**

8 **FURTHER, this Certification shall be considered as prima facie evidence of the**
9 **victim's status in similar eligible crimes committed within other Louisiana jurisdictions**
10 **during the time period in which the above-named was a victim of human trafficking.**

11 **FURTHER, all applicable time delays pertaining to expungement contained in**
12 **Louisiana Code of Criminal Procedure Articles 977 and 978 shall be waived when**
13 **presented to the clerk of court with an application for expungement of the**
14 **above-specified offense(s).**

15 **FURTHER, any application for expungement of the above-specified offense(s)**
16 **shall be at no cost to the above-named victim.**

17 _____
18 **DATE**

DISTRICT ATTORNEY
PARISH OF _____
JUDICIAL DISTRICT
STATE OF LOUISIANA"