2022 Regular Session

HOUSE BILL NO. 707

BY REPRESENTATIVE DUPLESSIS

CRIMINAL/RECORDS: Provides relative to the expungement of criminal records

1   AN ACT

2   To enact Code of Criminal Procedure Article 985.2, relative to expungement of records; to

3   provide relative to automated expungement of certain criminal records; to require the

4   Louisiana Bureau of Criminal Identification and Information to send certain records

5   to the Louisiana Supreme Court Case Management Information System; to provide

6   relative to duties of the clerks of district courts; to authorize the adoption of rules and

7   regulations by state police and the supreme court; to provide that no person shall

8   have a cause of action resulting from the omission of their records for automated

9   expungement; and to provide for related matters.

10   Be it enacted by the Legislature of Louisiana:

11   Section 1. Code of Criminal Procedure Article 985.2 is hereby enacted to read as

12   follows:

13   Art. 985.2. Automated expungement of qualifying records

14   A. The Louisiana Bureau of Criminal Identification and Information shall

15   identify within its criminal repository database all records with final dispositions for

16   individuals eligible for an expungement pursuant to the provisions of Articles 976,

17   977, and 978.

18   B. Beginning August 1, 2024, and every thirty days thereafter, the Louisiana

19   Bureau of Criminal Identification and Information shall send the records with final

20   dispositions for individuals eligible for an expungement pursuant to the provisions

1   of Articles 976, 977, and 978 to the Louisiana Supreme Court Case Management

2   Information System.

3   C. Within thirty days of receipt of records from the Louisiana Bureau of

4   Criminal Identification and Information, the Louisiana Supreme Court Case

5   Management Information System shall send notice by United States mail or

6   electronically of all records identified pursuant to Paragraph A of this Article to be

7   expunged by automation to the clerks of the district courts of Louisiana. The clerks

8   of the district courts of Louisiana shall verify and identify such records as expunged

9   by automation.

10   D. The clerks of the district courts of Louisiana shall send notice by United

11   States mail or electronically of all records expunged by automation to the Louisiana

12   Supreme Court Case Management Information System, the Louisiana Bureau of

13   Criminal Identification and Information, the district attorney of the parish of the

14   person's conviction, the sheriff of the parish of the person's conviction, and the

15   arresting agency. The Louisiana Supreme Court Case Management Information

16   System, the Louisiana Bureau of Criminal Identification and Information, the district

17   attorney, the sheriff, and the arresting agency shall identify such records as expunged

18   by automation.

19   E. The Louisiana State Police and the Louisiana Supreme Court are hereby

20   authorized to adopt and promulgate rules and regulations in accordance with the

21   Administrative Procedure Act to carry out the provisions of this Article for criminal

22   records in districts courts of Louisiana which date back to January 1, 2000.

23   F. Nothing in this Article shall prevent an otherwise eligible individual from

24   obtaining an expungement pursuant to any provision in this Title. An individual

25   eligible for an automated expungement under this Article shall not have a cause of

26   action for any damages resulting from the omission of their records in the process

27   provided by this Article.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 707 Engrossed   2022 Regular Session   Duplessis

Abstract: Provides for automated expungement of certain qualifying criminal records.

Present law provides for the expungement of records of arrest and misdemeanor and felony convictions in certain circumstances.

Proposed law provides for automated expungement of qualifying records. Requires the La. Bureau of Criminal Identification and Information (bureau) to identify within its criminal repository database all records with final dispositions for individuals eligible for an expungement pursuant to the provisions of present law (C.Cr.P. Arts. 976, 977, and 978).

Proposed law provides that on Aug. 1, 2024, and every 30 days thereafter, the bureau shall send the records with final dispositions for individuals eligible for an expungement pursuant to present law to the La. Supreme Court Case Management Information System.

Proposed law requires the La. Supreme Court Case Management Information System, within 30 days of receipt of records from the bureau, to send notice by U.S. mail or electronically of all records expunged by automation to the clerks of the district courts. The clerks shall verify and identify such records as expunged by automation.

Proposed law requires the clerks of the district courts to send notice by U.S. mail or electronically of all records expunged by automation to the La. Supreme Court Case Management and Information System, the bureau, the district attorney of the parish of the person's conviction, the sheriff of the parish of the person's conviction, and the arresting agency. The Louisiana Supreme Court Case Management and Information System, the bureau, the district attorney, the sheriff, and the arresting agency shall identify such records as expunged by automation.

Proposed law authorizes state police and the supreme court to adopt and promulgate rules and regulations to carry out the provisions of proposed law for criminal records in district courts which date back to Jan. 1, 2000.

(Adds C.Cr.P. Art. 985.2)

Summary of Amendments Adopted by House

    The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

    1.   Require the La. Supreme Court Case Management Information System to send notice by U.S. mail or electronically of all records identified pursuant to proposed law to be expunged to the clerks of the district courts.

    2.   Remove the requirement for the bureau to identify records as expunged by automation and require the clerks of the district courts to verify and identify such records.

    3.   Require the clerks of the district courts to also send notice by U.S. mail or electronically of all records expunged by automation to the La. Supreme Court Case Management and Information System and the bureau.

4.   Require the La. Supreme Court Case Management and Information System and
       the bureau to identify records as expunged by automation.