

RÉSUMÉ DIGEST

ACT 36 (HB 162)

2022 Regular Session

Marino

Existing law provides for the expungement of certain arrest and conviction records under certain circumstances.

Existing law provides that an applicant for an expungement does not have to pay any fees for the expungement if the applicant obtains a certification from the district attorney which verifies that the applicant has no felony convictions and no pending felony charges under a bill of information or indictment and at least one of the following applies:

- (1) The applicant was acquitted, after trial, of all charges derived from the arrest, including any lesser and included offense.
- (2) The district attorney consents, and the case against the applicant was dismissed or the district attorney declined to prosecute the case prior to the time limitations provided in existing law, and the applicant did not participate in a pretrial diversion program.
- (3) The applicant was arrested and was not prosecuted within the time limitations provided for in existing law and did not participate in a pretrial diversion program.
- (4) The applicant was determined to be a victim of unauthorized use of an "access card", identity theft, access device fraud, or a violation of any other crime which involves the unlawful use of the identity or personal information of the applicant.

Prior law provided that applicants determined to be factually innocent and entitled to compensation for a wrongful conviction did not have to pay any fees for the expungement if the applicant obtained a certification from the district attorney.

New law removes the requirement that a person determined to be factually innocent and entitled to compensation for a wrongful conviction obtain a certification from the district attorney and provides that such persons shall be exempt from the payment of processing fees.

New law provides that a person who has been granted a pardon shall be exempt from the payment of processing fees. Excludes persons granted a first offender pardon pursuant to existing law from the exemption of the payment of processing fees.

Effective August 1, 2022.

(Amends C.Cr.P. Art. 983(H) and (I); Adds C.Cr.P. Art. 983(J) and (K); Repeals C.Cr.P. Art. 983(F)(4))