
The original instrument was prepared by Whitney Kauffeld. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tracy Sabina Sudduth.

DIGEST

SB 111 Reengrossed 2023 Regular Session Duplessis

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

Proposed law provides that the effect of an expunged record of arrest or conviction does not limit or impair the subsequent use of any expunged record of any arrests or convictions by a judge, magistrate, or commissioner for the purpose of setting bail or sentencing.

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 a Case Management Information System (CMIS) number and final dispositions for individuals eligible for an expungement pursuant to the provisions of present law.

Proposed law provides that on Aug. 1, 2024, and every 30 days thereafter, the bureau is to 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. Requires the clerks to verify and identify such records as expunged by automation. Further provides that if a clerk is unable to verify and identify any record identified for automatic expungement pursuant to proposed law, the clerk must notify the La. Supreme Court Case Management Information System within 30 days of receipt of the original notice pursuant to proposed law. Further requires the supreme court to notify the bureau that the record has not been 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 district attorney of the parish of the person's conviction, the sheriff of the parish of the person's conviction, and the arresting agency. Requires the sheriff and the arresting agency to identify the records as expunged by automation. Requires the district attorney to acknowledge that the records have been expunged by automation. Further 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 Information System, which is to mark the records as expunged and notify the bureau by U.S. mail or electronically of all the expunged records. Requires the bureau to mark the records as expunged by automation.

Proposed law authorizes the office of state police 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, 2006. Further urges and requests the supreme court to adopt rules to carry out the provisions of proposed law.

Proposed law will become effective if an Act or Acts that originated in the 2023 Regular Session of the Legislature make specific appropriations to the office of state police and the La. Supreme Court for the implementation of proposed law. If such appropriations are contained in a single Act, proposed law becomes effective when the Act that made the appropriations becomes effective. If such appropriations are made in different Acts, proposed law becomes effective when the Act having the later effective date becomes effective.

(Amends C.Cr.P. Art. 973(E); adds C.Cr.P. Art. 985.2)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Make technical changes.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Requires the bureau to include CMIS numbers when identifying individuals eligible for an expungement.
2. Provides that beginning January 1, 2025, a defendant may submit a request through the bureau for expungement through the automated process. The form shall contain the defendant's name, date of birth, last four digits of their social security number, arrest date, and case number. Within 30 days of receipt of the request, the bureau shall expunge any eligible records identified in proposed law and shall send the records with a CMIS number and final dispositions to the Louisiana Supreme Court Case Management Information System.
3. Provides that the proposed law applies to criminal records in district courts which date back to Jan. 1, 2006.
4. Provides that the automated expungement of qualifying records shall be subject to appropriations provided for in the executive budget for FY 2025-2026.