

DIGEST

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SB 111 Re-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 the subsequent use of any expunged record by a judge, magistrate, or commissioner for the purpose of setting bail or sentencing.

Proposed law provides for automated expungement of qualifying records. Proposed law requires the La. Bureau of Criminal Identification and Information (bureau) to identify within its criminal database all records with a La. Supreme Court 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 beginning Jan. 1, 2025, a defendant may submit a request through the bureau for expungement and must provide his name, date of birth, last four digits of his social security number, arrest date, and case number. Proposed law further requires the bureau to send the records with final dispositions for individuals eligible for an expungement pursuant to present law to the CMIS within 30 days of the receipt of the request.

Proposed law requires CMIS, 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. Proposed law further requires the clerks to verify and identify such records as expunged by automation. Proposed law provides that if a clerk is unable to verify and identify any record identified for automatic expungement pursuant to proposed law, the clerk shall notify the CMIS within 30 days of receipt of the original notice pursuant to proposed law. 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 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. Proposed law requires the district attorney, the sheriff, and the arresting agency to acknowledge that the records have been expunged by automation. Proposed law further requires the clerks of the district courts to send notice of all records expunged by automation to the CMIS, which is to mark the records as expunged and notify the bureau by U.S. mail or electronically of all the expunged records. Proposed law 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.

Proposed law requires the La. Commission on Law Enforcement (LCLE) to distribute the monies appropriated to each sheriff in the state in proportion to the number of automatic expungements to the sheriff by the clerks of court.

Proposed law becomes 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, the La. Supreme Court, the La. Clerks' Remote Access Authority and LCLE for the implementation of proposed law.

(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.

Senate Floor Amendments to reengrossed bill

1. Make technical change.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the re-reengrossed bill:

1. Provide that implementation of proposed law shall be subject to appropriate funding rather than the requirement that the legislature appropriate funding necessary for proposed law.

The Committee Amendments Proposed by House Committee on Appropriations to the re-reengrossed bill:

1. Delete the amendment adopted by the House Committee on Administration of Criminal Justice.
2. Make effectiveness of proposed law subject to appropriation of monies by the legislature to the office of state police, the Louisiana Supreme Court, the Louisiana Clerk's Remote Access Authority, and the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice for the implementation of proposed law.
3. Require the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice to distribute monies appropriated for the implementation of proposed law to each sheriff.
4. Make technical changes.