

## SENATE SUMMARY OF HOUSE AMENDMENTS

SB 111

2023 Regular Session

Duplessis

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

CRIMINAL RECORDS: Provides relative to system upgrades to the Louisiana Bureau of Criminal Identification and Information and the Louisiana Supreme Court Case Management Information System to the expungement process. (8/1/23)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. 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, the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice for the implementation of proposed law.
2. 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.
3. Make technical changes.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

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 submitted 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)

---

Whitney Kauffeld  
Staff Attorney