

SENATE BILL NO. 111

BY SENATOR DUPLESSIS AND REPRESENTATIVES ADAMS, BAGLEY, BOYD, BRASS, BRYANT, WILFORD CARTER, CORMIER, COX, FISHER, FREEMAN, FREIBERG, GAINES, GLOVER, GREEN, HUGHES, JEFFERSON, JENKINS, TRAVIS JOHNSON, JORDAN, KNOX, LAFLEUR, LARVADAIN, LYONS, MARCELLE, MARINO, NEWELL, PIERRE, SELDERS AND WILLARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

AN ACT

To amend and reenact Code of Criminal Procedure Art. 973(E) and to enact Code of Criminal Procedure Art. 985.2, relative to expungement of records; to provide relative to automated expungement of certain criminal records; to require the Louisiana Bureau of Criminal Identification and Information to send certain records to the Louisiana Supreme Court Case Management Information System; to provide relative to duties of the clerks of district courts; to authorize the adoption of rules and regulations by state police and the supreme court; to provide relative to the effects of expunged records of arrest and conviction; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 973(E) is hereby amended and reenacted and Code of Criminal Procedure Art. 985.2 is hereby enacted to read as follows:

Art. 973. Effect of expunged record of arrest or conviction

* * *

E. Nothing in this Article shall be construed to limit or impair in any way the subsequent use of any expunged record of any arrests or convictions by a **judge, magistrate, commissioner,** law enforcement agency, criminal justice agency, or prosecutor including its use as a predicate offense, for the purposes of the Habitual Offender Law, **setting bail, sentencing,** or as otherwise authorized by law.

* * *

1 **Art. 985.2. Automated expungement of qualifying records**

2 **A. The Louisiana Bureau of Criminal Identification and Information**
3 **shall identify within its criminal repository database all records with a Case**
4 **Management Information System (CMIS) number and final dispositions for**
5 **individuals eligible for an expungement pursuant to the provisions of Code of**
6 **Criminal Procedure Articles 976, 977, and 978.**

7 **B. Beginning January 1, 2025, a defendant may submit a request through**
8 **the Louisiana Bureau of Criminal Identification and Information for**
9 **expungement through the automated process. The form shall contain the**
10 **defendant's name, date of birth, last four digits of their social security number,**
11 **arrest date, and case number. Within thirty days of receipt of the request, the**
12 **Louisiana Bureau of Criminal Identification and Information shall expunge any**
13 **eligible records identified in Paragraph A of this Article and shall send the**
14 **records with a Case Management Information System number and final**
15 **dispositions to the Louisiana Supreme Court Case Management Information**
16 **System.**

17 **C. Within thirty days of receipt of records from the Louisiana Bureau**
18 **of Criminal Identification and Information, the Louisiana Supreme Court Case**
19 **Management Information System shall send notice by United States mail or**
20 **electronically of all records identified pursuant to Paragraph A of this Article**
21 **to be expunged by automation to the clerks of the district courts of Louisiana.**
22 **The clerks of the district courts of Louisiana shall verify and identify such**
23 **records and mark those records as expunged by automation. If a clerk of a**
24 **district court is unable to verify and identify any record identified for automatic**
25 **expungement, the clerk shall notify the Louisiana Supreme Court Case**
26 **Management Information System within thirty days of receipt of the notice**
27 **required pursuant to the provisions of this Paragraph, who shall then notify the**
28 **Louisiana Bureau of Criminal Identification and Information that the record**
29 **is not expunged by automation.**

30 **D. The clerks of the district courts of Louisiana shall send notice by**

1 United States mail or electronically of all records expunged by automation to
2 the district attorney of the parish of the person's conviction, the sheriff of the
3 parish of the person's conviction, and the arresting agency. The district
4 attorney, sheriff, and arresting agency shall acknowledge the records as
5 expunged by automation according to Code of Criminal Procedure Article 973.
6 Nothing in this Paragraph shall be construed to require the arresting agency,
7 booking agency, or the district attorney to manually segregate or sequester
8 upon acknowledging or identifying the records.

9 E. The Department of Public Safety and Corrections, office of state
10 police, is hereby authorized to adopt and promulgate rules and regulations in
11 accordance with the Administrative Procedure Act to carry out the provisions
12 of this Article for criminal records in district courts of Louisiana which date
13 back to January 1, 2006.

14 F. Nothing in this Article shall prevent an otherwise eligible individual
15 from obtaining an expungement pursuant to any provision in this Title. An
16 individual eligible for an automated expungement under this Article shall not
17 have a cause of action for any damages resulting from the omission of their
18 records in the process provided by this Article.

19 G. This Article shall be subject to the appropriate funding necessary for
20 implementation and provided for in the executive budget for Fiscal Year 2025-
21 2026.

22 Section 2. The legislature hereby recognizes the judicial power vested in the state
23 supreme court pursuant to Article V, Section 1 of the Constitution of Louisiana and,
24 accordingly, urges and requests the supreme court to adopt rules to carry out the provisions
25 of this Act.

26 Section 3. Monies appropriated by the legislature for the implementation of this Act
27 to the Louisiana Commission on Law Enforcement and the Administration of Criminal
28 Justice shall be distributed to each sheriff in the state in proportion to the number of
29 automatic expungements submitted to the sheriff by the clerks of court pursuant to the
30 provisions of this Act.

1 Section 4. The provisions of Sections 1, 2, and 3 of this Act shall become effective
2 if an Act or Acts of the Legislature of Louisiana originating in the 2023 Regular Session
3 containing specific appropriations of monies for the office of state police, the Louisiana
4 Supreme Court, the Louisiana Clerks' Remote Access Authority, and the Louisiana
5 Commission on Law Enforcement and the Administration of Criminal Justice for the
6 implementation of the provisions of this Act becomes effective. If such appropriations are
7 made in a single Act, Sections 1, 2, and 3 of this Act shall become effective when the Act
8 that made the appropriations becomes effective. If such appropriations are made in different
9 Acts, Sections 1, 2, and 3 of this Act shall become effective when the Act having the later
10 effective date becomes effective.

11 Section 5. The provisions of this Section and Section 4 of this Act shall become
12 effective upon signature of this Act by the governor or, if not signed by the governor, upon
13 expiration of the time for bills to become law without signature by the governor, as provided
14 by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the
15 governor and subsequently approved by the legislature, the provisions of this Section and
16 Section 4 of this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____