ACT 342 (HB 286)   **2023 Regular Session**   **Boyd**

<u>Existing law</u> provides for the expungement of certain arrest and conviction records under certain circumstances.

<u>Existing law</u> further provides that a person may file a motion to expunge his record of arrest and conviction of a misdemeanor offense if either of the following apply:

(1)   The conviction was set aside and prosecution was dismissed.

(2)   More than five years have elapsed since the person completed any sentence, deferred adjudication, or period of probation and parole, and the person has not been convicted of any felony offense during such period, and has no felony charge pending against him.

<u>New law</u> provides that a person may file a motion to expunge his record of arrest and conviction of a misdemeanor conviction for a first offense possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof after 90 days from the date of conviction.

<u>Existing law</u> (C.Cr.P. Art. 983) provides relative to the fees for an expungement of a record and also exempts certain applicants from paying any fees.

<u>New law</u> adds that the total cost for a person who has been convicted of a misdemeanor conviction for a first offense possession of marijuana shall not exceed $300.

<u>New law</u> further provides that the nonrefundable processing fees for a court order expunging such record shall be as follows:

(1)   The La. Bureau of Criminal Identification and Information may charge a processing fee of $50.

(2)   The sheriff may charge a processing fee of $50.

(3)   The district attorney may charge a processing fee of $50.

(4)   The clerk of court may charge a processing free of $150.

<u>New law</u> provides that the $300 fee shall be null, void, and without effect and shall terminate on August 1, 2023.

<u>Existing law</u> provides for the forms used for the expungement of records.

<u>New law</u> adds an additional form for convictions for a first offense possession of marijuana.

Effective August 1, 2026.

(Amends C.Cr.P. Art. 986(A) and (C); Adds C.Cr.P. Arts. 977(D), 983(M), and 998)