

HOUSE COMMITTEE AMENDMENTS

2024 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 553 by Representative Bryant

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To" and before "enact" insert "amend and reenact Code of Criminal
3 Procedure Article 972 and 983(G) and to"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "individuals;" and before "and" insert "to provide for a definition;
6 to provide relative to criteria to receive an expungement; to provide for exceptions; to
7 provide for duties; to provide for exemption from processing fees;"

8 AMENDMENT NO. 3

9 On page 1, line 6, after "Section 1." and before "Code" insert "Code of Criminal Procedure
10 Article 972 and 983(G) are hereby amended and reenacted and"

11 AMENDMENT NO. 4

12 On page 1, between lines 7 and 8, insert the following:

13 "Art. 972. Definitions

14 As used in this Title:

15 (1) "Expedited expungement" means an order of expungement that a judge
16 may sign pursuant to Article 999 without the individual filing a motion to expunge
17 with the clerk of court.

18 (2) "Expunge a record" means to remove a record of arrest or conviction,
19 photographs, fingerprints, disposition, or any other information of any kind from
20 public access pursuant to the provisions of this Title. "Expunge a record" does not
21 mean destruction of the record.

22 ~~(2)~~(3) "Expungement by redaction" provides for the expungement of records
23 of a person who is arrested or convicted with other persons who are not entitled to
24 expungement and involves the removal of the name or any other identifying
25 information of the person entitled to the expungement and otherwise retains the
26 records of the incident as they relate to the other persons.

27 ~~(3)~~ (4) "Interim expungement" means to expunge a felony arrest from the
28 criminal history of a person who was convicted of a misdemeanor offense arising out
29 of the original felony arrest. Only the original felony arrest may be expunged in an
30 interim expungement.

31 ~~(4)~~ (5) "Records" includes any incident reports, photographs, fingerprints,
32 disposition, or any other such information of any kind in relation to a single arrest
33 event in the possession of the clerk of court, any criminal justice agency, and local
34 and state law enforcement agencies but shall not include DNA records. Records
35 shall also include records of an arrest based on a warrant or attachment for failure to
36 appear in court for the same offense or offenses for which the person is seeking an
37 expungement.

38 * * *

39 Art. 983. Costs of expungement of a record; fees; collection; exemptions;
40 disbursements

41 * * *

42 G. Notwithstanding any other provision of law to the contrary, a the
43 following individuals shall be exempt from the payment of the processing fees
44 otherwise authorized by this Article:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (1) A juvenile who has successfully completed any juvenile drug court
2 program operated by a court of this state ~~shall be exempt from payment of the~~
3 ~~processing fees otherwise authorized by this Article.~~

4 (2) A person eligible for an expedited expungement pursuant to Article 999.
5 * * *

6 AMENDMENT NO. 5

7 On page 1, at the beginning of line 9, insert "A."

8 AMENDMENT NO. 6

9 On page 1, line 9, after "the" and before "expungement" change "automatic" to "expedited"

10 AMENDMENT NO. 7

11 On page 1, delete lines 13 and 14 in their entirety and insert the following:

12 "(2) The district attorney, for any reason, declined to prosecute all offenses
13 arising out of that arrest, including the reason that the person successfully completed
14 a pretrial diversion program.

15 (3) Prosecution was instituted and such proceedings have been finally
16 disposed of by dismissal, sustaining of a motion to quash, or acquittal.

17 B. The provisions of this Article shall not apply to any misdemeanor or
18 felony conviction arising from the incident of arrest or any arrest for a sex offense
19 as defined in R.S. 15:541.

20 C. The expedited expungement shall be served pursuant to the provisions of
21 Article 982."