

2024 Regular Session

HOUSE BILL NO. 553

BY REPRESENTATIVES BRYANT, BOYD, CARPENTER, WILFORD CARTER,
CHASSION, FISHER, GREEN, JACKSON, TRAVIS JOHNSON, KNOX,
LAFLEUR, MARCELLE, MENA, MOORE, NEWELL, SELDERS, TAYLOR,
AND WALTERS

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 972 and 983(G) and to enact
3 Code of Criminal Procedure Articles 999 and 999.1, relative to expungement; to
4 provide for the expungement of arrest records for certain individuals; to provide for
5 a definition; to provide relative to criteria to receive an expungement; to provide for
6 exceptions; to provide for duties; to provide for exemption from processing fees; to
7 provide for an expungement form; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Articles 972 and 983(G) are hereby amended
10 and reenacted and Code of Criminal Procedure Articles 999 and 999.1 are hereby enacted
11 to read as follows:

12 Art. 972. Definitions

13 As used in this Title:

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

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

1 ~~(2)~~(3) "Expungement by redaction" provides for the expungement of records
 2 of a person who is arrested or convicted with other persons who are not entitled to
 3 expungement and involves the removal of the name or any other identifying
 4 information of the person entitled to the expungement and otherwise retains the
 5 records of the incident as they relate to the other persons.

6 ~~(3)~~(4) "Interim expungement" means to expunge a felony arrest from the
 7 criminal history of a person who was convicted of a misdemeanor offense arising out
 8 of the original felony arrest. Only the original felony arrest may be expunged in an
 9 interim expungement.

10 ~~(4)~~(5) "Records" includes any incident reports, photographs, fingerprints,
 11 disposition, or any other such information of any kind in relation to a single arrest
 12 event in the possession of the clerk of court, any criminal justice agency, and local
 13 and state law enforcement agencies but shall not include DNA records. Records
 14 shall also include records of an arrest based on a warrant or attachment for failure to
 15 appear in court for the same offense or offenses for which the person is seeking an
 16 expungement.

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17
 18 Art. 983. Costs of expungement of a record; fees; collection; exemptions;
 19 disbursements

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20
 21 G. Notwithstanding any other provision of law to the contrary, a the
 22 following individuals shall be exempt from the payment of the processing fees
 23 otherwise authorized by this Article:

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

27 (2) A person eligible for an expedited expungement pursuant to Article 999.

* * *

1 Art. 999. Expungement of arrest records for certain individuals

2 A. A person shall be entitled to the expedited expungement of his arrest, at
3 no cost to him, if he meets all of the following:

4 (1) He is seventeen years of age when he is arrested or charged with any
5 criminal offense as provided in Title 14 or 40 of the Louisiana Revised Statutes of
6 1950.

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

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

12 B. The provisions of this Article shall not apply to any misdemeanor or
13 felony conviction arising from the incident of arrest.

14 C. The expedited expungement shall be served pursuant to the provisions of
15 Article 982.

16 Art. 999.1. Order form to be used; expedited expungement

17 **JUDICIAL DISTRICT FOR THE PARISH OF**

18 _____

19 No.: _____

Division: " "

20 **State of Louisiana**

21 **vs.**

22 _____

23 **ORDER OF EXPUNGEMENT UNDER**

24 **CODE OF CRIMINAL PROCEDURE ARTICLE 999**

25 Pursuant to Code of Criminal Procedure Article 999, wherein all of the
26 following applies,

27 (1) The defendant was seventeen years of age when he was arrested or
28 charged with any criminal offense as provided in Title 14 or 40 of the Louisiana
29 Revised Statutes of 1950.

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

1 5. Attorney for Defendant (or defendant)

2 6. Clerk of Court

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____