2024 Regular Session

#### SENATE BILL NO. 116

BY SENATOR JACKSON-ANDREWS AND REPRESENTATIVE KNOX

1	AN ACT
2	To amend and reenact Code of Criminal Procedure Art. 978(A)(2) and 992 and to enact
3	Code of Criminal Procedure Art. 978(F), relative to expungement of records; to
4	provide for the expungement of a felony record with another felony conviction
5	during the ten-year cleansing period under certain circumstances; to provide relative
6	to expungement forms; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. Code of Criminal Procedure Art. 978(A)(2) and 992 are hereby amended
9	and reenacted and Code of Criminal Procedure Art. 978(F) is hereby enacted to read as
10	follows:
11	Art. 978. Motion to expunge record of arrest and conviction of a felony offense
12	A. Except as provided in Paragraph B of this Article, a person may file a
13	motion to expunge his record of arrest and conviction of a felony offense if any of
14	the following apply:
15	* * *
16	(2) More than ten years have elapsed since the person completed any
17	sentence, deferred adjudication, or period of probation or parole based on the felony
18	conviction, and the person has not been convicted of any other criminal offense
19	<del>during the ten-year</del> for a period <del>,</del> of at least ten years preceding the motion and has
20	no criminal charge pending against him. The motion filed pursuant to this
21	Subparagraph shall include a certification obtained from the district attorney which
22	verifies that, to his knowledge, the applicant has no convictions during the ten-year
23	period <b>immediately preceding the motion</b> , and no pending charges under a bill of
24	information or indictment.

1			* * *
2		<u>F. A</u>	person shall be eligible to have more than one felony conviction
3	<u>expu</u>	nged in	a ten-year period if each felony is eligible for expungement under
4	<u>the p</u>	rovisio	ns of this Article.
5			* * *
6	Art. 9	992. Ord	ler of expungement form to be used
7	110,2	, <b>21</b> 010	STATE OF LOUISIANA
8			JUDICIAL DISTRICT FOR THE PARISH OF
9			
10	No.: _		Division: ""
11			State of Louisiana
12			vs.
13			
14		ORDE	R OF EXPUNGEMENT OF ARREST/CONVICTION RECORD
15	Consid	dering the	Motion for Expungement
16		The he	aring conducted and evidence adduced herein, OR
17		Affiday	vits of No Opposition filed,
18	IT IS (	ORDEREI	D, ADJUDGED AND DECREED
19		THE M	IOTION IS DENIED for No(s), , , , for the following reasons (check all
20		that app	ply):
21			More than five years have not elapsed since Mover completed the misdemeanor
22			conviction sentence.
23			More than ten years have not elapsed since Mover completed the felony conviction
24			sentence.
25			Mover was convicted of one of the following ineligible felony offenses:
26			A violation of the Uniform Controlled Dangerous Substances Law which is ineligible
27			to be expunged.
28			An offense currently listed as a sex offense that requires registration pursuant to R.S.
29			15:540 et seq., at the time the Motion was filed, regardless of whether the duty to
30			register was ever imposed.
31			An offense defined or enumerated as a "crime of violence" pursuant to R.S. 14:2(B)
32			at the time the Motion was filed.
33			The arrest and conviction being sought to have expunged is for operating a motor
34			vehicle while intoxicated and a copy of the proof from the Department of Public Safety
35			and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art.
36			984(A).

Page 2 of 5 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1		Mover was convicted of a misdemeanor which arose from circumstances involving a
2		sex offense as defined in R.S. 15:541.
3		Mover was convicted of misdemeanor offense of domestic abuse battery which was
4		not dismissed pursuant to C.Cr.P. Art. 894(B).
5		Mover did not complete pretrial diversion.
6		The charges against the mover were not dismissed or refused.
7		Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art.
8		893(E).
9		Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art.
10		894(B).
11		Mover completed a DWI pretrial diversion program, but five years have not elapsed
12		since the mover's date of arrest.
13		Mover's conviction for felony carnal knowledge of a juvenile is not defined as
14		misdemeanor carnal knowledge of a juvenile had the mover been convicted on or after
15		August 15, 2001.
16		Mover was not convicted of a crime that would be eligible for expungement as
17		required by C.Cr.P. Art. 978(E)(1).
18		Mover has criminal charges pending against him.
19		Mover was convicted of a criminal offense during the ten-year period, excluding any
20		noncapital felony during the preceding ten-year period that would otherwise be
21		eligible for expungement pursuant to C.Cr.P. Art. 978(F).
22		Mover received a first offender pardon but for an ineligible offense.
23		Mover did not receive a first offender pardon.
24		Denial for any other reason provided by law with attached reasons for denial.
25		THE MOTION IS HEREBY GRANTED for No(s) and all agencies
26	are orde	red to expunge the record of arrest/conviction and any photographs, fingerprints, or any
27	other su	ch information of any kind maintained in connection with the Arrest(s)/Conviction(s)
28	in the al	bove-captioned matter, which record shall be confidential and no longer considered a
29	public 1	record, nor be available to other persons except a prosecutor, member of a law
30	enforcer	ment agency, or a judge who may request such information in writing certifying that such
31	request	is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the
32	purpose	of any other statutorily defined law enforcement or administrative duties, or for the
33	purpose	of the requirements of sex offender registration and notification pursuant to the
34	provisic	ons of R.S. 15:541 et seq. or upon an order of this Court to any other person for good
35	cause sh	nown, or as otherwise authorized by law.
36		THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY
37	<b>REDACTION</b> If	the record includes more than one individual and the mover is entitled to expungement

Page 3 of 5 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

#### **SB NO. 116**

### **ENROLLED**

1	by redaction pursuant to Code of Criminal Procedure Article 985, for No(s) and all
2	agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any
3	other such information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the above-
4	captioned matter as they relate to the mover only. The record shall be confidential and no longer
5	considered a public record, nor be available to other persons except a prosecutor, member of a law
6	enforcement agency, or a judge who may request such information in writing certifying that such request
7	is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other
8	statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex
9	offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order
10	of this Court to any other person for good cause shown, or as otherwise authorized by law.
11	NAME:
12	(Last, First, MI)
13	
14	DOB:/(MM/DD/YY)
15	
16	GENDER:FemaleMale
17	
18	SSN (last 4 digits): XXX-XX
19	
20	RACE:
21	
22	DRIVER LIC.#
23	
24	ARRESTING AGENCY:
25	
26	SID# (if available):
27	
28	ARREST NUMBER (ATN):
29	
30	AGENCY ITEM NUMBER:
31	
32	ARREST DATE:/ (MM/DD/YY)
33	
34	
35	THUS ORDERED AND SIGNED this day of, 20
36	
37	at, Louisiana.

Page 4 of 5 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1		
2		
3		JUDGE
4		
5	PLEAS	E SERVE:
6		
7	1.	District Attorney:
8		
9	2.	Arresting Agency:
10		
11	3.	Parish Sheriff:
12		
13	4.	Louisiana Bureau of Criminal Identification and Information
14		
15	5.	Attorney for Defendant (or defendant)
16		
17	6.	Clerk of Court

## PRESIDENT OF THE SENATE

## SPEAKER OF THE HOUSE OF REPRESENTATIVES

# GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_