
DIGEST

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HB 100 Original

2015 Regular Session

Price

Abstract: Provides for the destruction of misdemeanor and felony arrest records and provides for the expungement of certain crimes of violence following a 10-year cleansing period.

Present law provides for the expungement of certain misdemeanor and felony arrest and conviction records, but prohibits an expungement of a conviction for a crime of violence.

Proposed law changes present law to allow for the expungement of aggravated battery, second degree battery, aggravated assault, aggravated criminal damage to property, simple robbery, purse snatching, and illegal use of weapons or dangerous instrumentalities if more than 10 years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole based on the felony conviction, and the person has not been convicted of any other criminal offense during the 10-year period, has no criminal charge pending against him, and has been employed for a period of 10 consecutive years.

Present law provides for the expungement of a misdemeanor arrest which does not result in a conviction, but does not authorize the destruction of any criminal records.

Proposed law provides for the destruction of misdemeanor and felony arrest records which did not result in a conviction if the district attorney consents to the destruction and the destruction is ordered by the court following a contradictory hearing.

Present law authorizes that applicants requesting an expungement do not have to pay fees for an expungement.

Proposed law retains present law and also exempts costs associated with the expungement of and destruction to the misdemeanor or felony records of persons alleging actual innocence.

(Amends C.Cr.P. Art. 978(B)(1); Adds C.Cr.P. Arts. 978(E), 983(F)(5), and 985.2)