

GREEN SHEET REDIGEST

HB 7

2016 Regular Session

Price

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

CRIMINAL/PROCEDURE: Provides with respect to expungement

DIGEST

Present law provides for the expungement of certain misdemeanor and felony arrest records if the arrest did not result in a conviction if any of the following occur:

- (1) The person was not prosecuted for the offense and the time limitations for prosecution have run.
- (2) The DA declined to prosecute for any offense arising from that arrest.
- (3) Prosecution was instituted and resulted in a dismissal, acquittal, or sustaining of a motion to quash.

Proposed law retains present law and adds an additional criteria if the person was determined to be factually innocent and entitled to compensation for a wrongful conviction.

Present law provides for the expungement of felony arrest and conviction records if either of the following occur:

- (1) The conviction and prosecution dismissed.
- (2) 10 years have elapsed since the completion of sentence, probation, or deferred sentence and the applicant has not been convicted of any offenses during the 10-year period.

Proposed law retains present law and adds an additional criteria if the person was judicially determined to be factually innocent and entitled to compensation for a wrongful conviction.

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 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.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.Cr.P. Arts. 978(B)(1), 989 and 992; Adds C.Cr.P. Arts. 976(A)(4) and 978(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

- 1. Amends expungement forms to reflect proposed law.
- 2. Requires that determination of factual innocence be a judicial determination.

3. Requires employment for 10 years to be continuous employment.

The House Floor Amendments to the engrossed bill:

1. Deletes requirement that employment for 10 years be "continuous" employment.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill

1. Add check box to proposed law relative to 10 years of consecutive employment.
2. Add effective date of governor's signature to proposed law.