

RÉSUMÉ DIGEST

ACT 125 (HB 7)

2016 Regular Session

Price

Existing law provides for the expungement of certain misdemeanor and felony arrest records if the arrest did not result in a conviction and 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 district attorney 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.

New law retains existing law and adds an additional opportunity for expungement if the person was determined to be factually innocent and entitled to compensation for a wrongful conviction.

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

- (1) The conviction and prosecution were 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.

New law retains existing law and adds an additional opportunity for expungement if the person was judicially determined to be factually innocent and entitled to compensation for a wrongful conviction.

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

New law changes prior law to allow for the expungement of certain crimes of violence including 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 (May 19, 2016).

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