2020 Regular Session

HOUSE BILL NO. 241

BY REPRESENTATIVE JAMES

1	AN ACT
2	To amend and reenact Code of Criminal Procedure Articles 975 and 992 and to repeal Code
3	of Criminal Procedure Articles 977(D) and 978(D), relative to expungements; to
4	provide relative to the number of expungements a person may obtain in a certain
5	period of time; to provide relative to the authority of certain persons to file for an
6	expungement while incarcerated; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. Code of Criminal Procedure Articles 975 and 992 are hereby amended
9	and reenacted to read as follows:
10	Art. 975. Individuals incarcerated; ineligible to file motion to expunge records
11	Notwithstanding any other provision of law to the contrary, a A person in the
12	physical custody of the Department of Public Safety and Corrections, or incarcerated
13	in any correctional facility serving a sentence at hard labor shall not be permitted to
14	file a motion to expunge a record of an arrest which did not result in a conviction or
15	to expunge a record of an arrest and conviction of a misdemeanor or felony offense.
16	* * *
17	Art. 992. Order of expungement form to be used
18	STATE OF LOUISIANA
19	JUDICIAL DISTRICT FOR THE PARISH OF
20	
21	No.: Division: ""
22	State of Louisiana
23	VS.
24	
25	ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

ENROLLED

ACT No. 78

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HB NO. 241
                                                                                ENROLLED
 1
                Considering the Motion for Expungement
 2
                The hearing conducted and evidence adduced herein, OR
                       Affidavits of No Opposition filed,
 3
                4
                IT IS ORDERED, ADJUDGED AND DECREED
                       THE MOTION IS DENIED for No(s). , , , for the following
 5
                6
                       reasons (check all that apply):
 7
                       More than five years have not elapsed since Mover completed the
 8
                              misdemeanor conviction sentence.
 9
                       More than ten years have not elapsed since Mover completed the
10
                              felony conviction sentence.
11
                       Mover was convicted of one of the following ineligible felony
12
                              offenses:
13
                              A violation of the Uniform Controlled Dangerous Substances Law
                       14
                              which is ineligible to be expunged.
15
                       An offense currently listed as a sex offense that requires registration
16
                              pursuant to R.S. 15:540 et seq., at the time the Motion was filed,
17
                              regardless of whether the duty to register was ever imposed.
18
                       An offense defined or enumerated as a "crime of violence" pursuant
19
                              to R.S. 14:2(B) at the time the Motion was filed.
20
                       The arrest and conviction being sought to have expunged is for
21
                              operating a motor vehicle while intoxicated and a copy of the proof
22
                              from the Department of Public Safety and Corrections, office of
23
                              motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).
24
                       <del>----</del>
                              Mover has had another record of misdemeanor conviction expunged
25
                              during the previous five-year period.
                              The record of arrest and conviction which Mover seeks to have
26
                       27
                              expunged is for operating a motor vehicle while intoxicated and
28
                              Mover has had another record of arrest and misdemeanor conviction
29
                              expunged during the previous ten-year period.
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1		Mover has had another record of felony conviction expunged during
2		the previous fifteen-year period.
3		Mover was convicted of a misdemeanor which arose from
4		circumstances involving a sex offense as defined in R.S. 15:541.
5		Mover was convicted of misdemeanor offense of domestic abuse
6		battery which was not dismissed pursuant to C.Cr.P. Art. 894(B).
7		Mover did not complete pretrial diversion.
8		The charges against the mover were not dismissed or refused.
9		Mover's felony conviction was not set aside and dismissed pursuant
10		to C.Cr.P. Art. 893(E).
11		Mover's felony conviction was not set aside and dismissed pursuant
12		to C.Cr.P. Art. 894(B).
13		Mover completed a DWI pretrial diversion program, but five years
14		have not elapsed since the mover's date of arrest.
15		Mover's conviction for felony carnal knowledge of a juvenile is not
16		defined as misdemeanor carnal knowledge of a juvenile had the
17		mover been convicted on or after August 15, 2001.
18		Mover has not been employed for ten consecutive years as required
19		by C.Cr.P. Art. 978(E)(1)(d).
20		Mover was not convicted of a crime that would be eligible for
21		expungement as required by C.Cr.P. Art. 978(E)(1).
22		Mover has criminal charges pending against him.
23		Mover was convicted of a criminal offense during the ten-year
24		period.
25		Denial for any other reason provided by law with attached reasons for
26		denial.
27		THE MOTION IS HEREBY GRANTED for No(s).
28	and al	l agencies are ordered to expunge the record of arrest/conviction and
29	any pl	hotographs, fingerprints, or any other such information of any kind
30	maint	ained in connection with the Arrest(s)/Conviction(s) in the above-

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1 captioned matter, which record shall be confidential and no longer 2 considered a public record, nor be available to other persons except a 3 prosecutor, member of a law enforcement agency, or a judge who may 4 request such information in writing certifying that such request is for the 5 purpose of prosecuting, investigating, or enforcing the criminal law, for the 6 purpose of any other statutorily defined law enforcement or administrative 7 duties, or for the purpose of the requirements of sex offender registration and 8 notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order 9 of this Court to any other person for good cause shown, or as otherwise 10 authorized by law.

11 THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT 12 BY **REDACTION** If the record includes more than one individual and the mover 13 is entitled to expungement by redaction pursuant to Code of Criminal Procedure 14 Article 985, for No(s). and all agencies are ordered to expunge the 15 record of arrest/conviction and any photographs, fingerprints, or any other such 16 information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the 17 above-captioned matter as they relate to the mover only. The record shall be 18 confidential and no longer considered a public record, nor be available to other 19 persons except a prosecutor, member of a law enforcement agency, or a judge who 20 may request such information in writing certifying that such request is for the 21 purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose 22 of any other statutorily defined law enforcement or administrative duties, or for the 23 purpose of the requirements of sex offender registration and notification pursuant to 24 the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other 25 person for good cause shown, or as otherwise authorized by law.

26	NAME:
27	(Last, First, MI)
28	DOB:/(MM/DD/YY)
29	GENDER:FemaleMale
30	SSN (last 4 digits): XXX-XX

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	HB NO. 241	ENROLLED
1	RACE:	
2	DRIVER LIC.#	
3	ARRESTING AGENCY:	
4	SID# (if available):	
5	ARREST NUMBER (ATN):	
6	AGENCY ITEM NUMBER:	
7	ARREST DATE:/ (MM/DD/YY)	
8	THUS ORDERED AND SIGNED this day of	, 20
9	at, Louisiana.	
10		
11	JUDGE	
12	PLEASE SERVE:	
13	1. District Attorney:	
14	2. Arresting Agency:	
15	3. Parish Sheriff:	
16	4. Louisiana Bureau of Criminal Identification and Information_	
17	5. Attorney for Defendant (or defendant)	
18	6. Clerk of Court	
19	Section 2. Code of Criminal Procedure Articles 977(D) and 978(I	D) are hereby
20	repealed in their entirety.	

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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