Regular Session, 2012

HOUSE BILL NO. 742

BY REPRESENTATIVE HUNTER

CRIMINAL/PROCEDURE: Authorizes the waiver of certain fees when filing for an expungement

1	AN ACT
2	To amend and reenact R.S. 13:847(E)(1)(c) and (d) and to enact R.S. 44:9(A)(3)(d), (4)(c),
3	and (6), relative to an expungement; to authorize the waiving of certain fees relative
4	to an expungement for certain persons; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 13:847(E)(1)(c) and (d) are hereby amended and reenacted to read
7	as follows:
8	§847. Fees in criminal cases; exceptions
9	* * *
10	E.(1) Notwithstanding Subsection A and in addition to other fees fixed by
11	law, the clerk of court in Jefferson Parish shall be entitled to demand and receive:
12	* * *
13	(c)(i) A filing and processing fee of one hundred dollars for all felony
14	expungement proceedings filed in the Twenty-Fourth Judicial District Court pursuant
15	to the provisions of R.S. 44:9, regardless of whether the expungement is filed after
16	a conviction is set aside and the prosecution is dismissed pursuant to the provisions
17	of Code of Criminal Procedure Article 893.
18	(ii) The filing and processing fee provided for in this Subparagraph may be
19	waived for the person seeking the expungement if he is determined to be indigent

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	pursuant to the provisions of R.S. 15:175 or if he complies with the provisions of
2	Chapter 5 of Book IX of the Code of Civil Procedure.
3	(d)(i) A filing and processing fee of fifty dollars for all misdemeanor
4	expungement proceedings filed in the First Parish Court for the parish of Jefferson,
5	the Second Parish Court for the parish of Jefferson, and the Twenty-Fourth Judicial
6	District Court pursuant to the provisions of R.S. 44:9, regardless of whether the
7	expungement is filed after a conviction is set aside and the prosecution is dismissed
8	pursuant to the provisions of Code of Criminal Procedure Article 894.
9	(ii) The filing and processing fee provided for in this Subparagraph may be
10	waived for the person seeking the expungement if he is determined to be indigent
11	pursuant to the provisions of R.S. 15:175 or if he complies with the provisions of
12	Chapter 5 of Book IX of the Code of Civil Procedure.
13	* * *
14	Section 2. R.S. 44:9(A)(3)(d), (4)(c), and (6) are hereby enacted to read as follows:
15	§9. Records of violations of municipal ordinances and of state statutes classified as
16	a misdemeanor or felony
17	Α.
18	* * *
19	(3)
20	* * *
21	(d) The processing fee provided for in Subparagraphs (a) and (b) of this
22	Paragraph may be waived for the person seeking the expungement if he is
23	determined to be indigent pursuant to the provisions of R.S. 15:175 or if he complies
24	with the provisions of Chapter 5 of Book IX of the Code of Civil Procedure.
25	(4)
26	* * *
27	(c) The processing fee provided for in Subparagraph (a) of this Paragraph
28	may be waived for the person seeking the expungement if he is determined to be

1	indigent pursuant to the provisions of R.S. 15:175 or if he complies with the
2	provisions of Chapter 5 of Book IX of the Code of Civil Procedure.
3	* * *
4	(6) Notwithstanding any other provision of law to the contrary, in addition
5	to the waiver of any processing and filing fees as provided in Subparagraphs (3)(d)
6	and (4)(c) of this Subsection and R.S. 13:847(E)(1)(c) and (d), any other court costs
7	or other fees associated with the motion for expungement may be waived for any
8	person who is determined to be indigent pursuant to the provisions of R.S. 15:175
9	or who complies with the provisions of Chapter 5 of Book IX of the Code of Civil
10	Procedure, including but not limited to court costs associated with any contradictory
11	hearing on the motion for expungement.
12	* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hunter

HB No. 742

Abstract: Authorizes the waiver of certain fees when filing for an expungement.

<u>Present law</u> authorizes the assessment of certain fees when a person seeks the expungement of an arrest record.

<u>Proposed law</u> authorizing the waiving of these fees, or any court costs or other fees associated with the motion for an expungement, when the person is determined to be indigent or when the person complies with <u>present law</u> provisions which allow for the waiver of certain costs for a person who is unable to pay because of poverty and lack of means.

(Amends R.S. 13:847(E)(1)(c) and (d); Adds R.S. 44:9(A)(3)(d), (4)(c), and (6))