Regular Session, 2010

## ACT No. 609

HOUSE BILL NO. 927

## BY REPRESENTATIVE GALLOT

1	AN ACT
2	To enact R.S. 44:9(A)(5), relative to the expungement of certain criminal records; to
3	authorize the expungement of certain misdemeanor conviction records under certain
4	circumstances; to provide relative to the motion for expungement; and to provide for
5	related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 44:9(A)(5) is hereby enacted to read as follows:
8	§9. Records of violations of municipal ordinances and of state statutes classified as
9	a misdemeanor or felony
10	A.
11	* * *
12	(5)(a) Any person who has been convicted for the violation of a municipal
13	or parish ordinance, a traffic violation, or for violation of a state statute which is
14	classified as a misdemeanor may make a written motion to the district, parish, or city
15	court in which the violation was prosecuted or to the district court located in the
16	parish in which he was arrested, for expungement of the arrest record if five or more
17	years has elapsed between the date of the motion and the successful completion of
18	any sentence, deferred adjudication, or period of probation or parole.
19	Notwithstanding the provisions of Code of Criminal Procedure Article 892.1 or 894.
20	or any other provision of law to the contrary regarding the set aside of a conviction
21	or the dismissal of a prosecution, an expungement shall occur only once with respect
22	to any person during a five-year period, except in the case of a misdemeanor offense
23	of operating a vehicle while intoxicated which may occur only once with respect to
24	any person during a ten-year period.

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

HB NO. 927 **ENROLLED** 1 (b) No person shall be entitled to an expungement if the misdemeanor 2 conviction arose from circumstances involving a sexual act or act of domestic 3 violence. (c) The motion for expungement shall include a certification obtained from 4 5 the district attorney which verifies that, to his knowledge, the applicant has no felony 6 convictions and no pending misdemeanor or felony charges under a bill of 7 information or indictment. 8 (d) If, after a contradictory hearing with the district attorney and the arresting 9 law enforcement agency, the court finds that the mover is entitled to the relief sought 10 for the above reasons, it shall order all law enforcement agencies to expunge but not 11 destroy the record of the same in accordance with the provisions of this Paragraph; 12 however, nothing in this Paragraph shall limit or impede the authority under law to 13 consider prior arrests or convictions in pursuing prosecution under multiple offender 14 provisions or impede the investigation of any law enforcement official seeking to ascertain or confirm the qualifications of any person for any privilege or license 15 16 authorized by law. 17 CDE A VED OF THE HOUSE OF DEDRESENTATIVES

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APPROVED: \_\_\_\_\_