

Regular Session, 2012

HOUSE CONCURRENT RESOLUTION NO. 3

BY REPRESENTATIVE LOPINTO

A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Law Institute to study and make recommendations for the revision of laws regarding expungement.

WHEREAS, Louisiana law provides for the expungement of certain arrest and conviction records under limited circumstances; and

WHEREAS, obtaining an expungement allows for the removal of a record from public access but does not result in the destruction of the record; and

WHEREAS, an expunged record is confidential, but remains available for use by law enforcement agencies, criminal justice agencies, and other statutorily defined agencies; and

WHEREAS, the number of agencies which have access to criminal records has been expanded over the past few years, resulting in some confusion with regard to which agencies have access to criminal background information; and

WHEREAS, following the passage of the Maritime Transportation Act of 2002, all individuals who wish to work at ports or on vessels which were regulated by this Act are required to obtain Transportation Worker Identification Credential (TWIC) cards; and

WHEREAS, obtaining a TWIC card requires a criminal history check and clearance which cannot be obtained without either a clean record or an expunged record; and

WHEREAS, the inability to obtain an expungement can prevent individuals from obtaining gainful employment where a TWIC card is required; and

WHEREAS, the provisions of law regarding expungement are complex and sometimes confusing for persons who are attempting to obtain an expungement, attorneys representing people who wish to obtain an expungement, and judges who grant expungements; and

WHEREAS, the provisions of law regarding expungement should be reviewed and thoroughly examined with the goal of simplifying, consolidating, and clarifying expungement procedures.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to study and make recommendations for the revision of laws regarding expungement.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute work in conjunction with the Louisiana District Attorneys Association, the Louisiana Public Defender Board, the Louisiana Sheriffs' Association, the Louisiana State Police, the Louisiana Commission of Law Enforcement and the Administration of Criminal Justice, the Louisiana Clerks of Court Association, and any other agencies or associations deemed appropriate by the committee regarding this study.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute report its findings and recommendations to the Legislature of Louisiana on or before January 1, 2014.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE