
DIGEST

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HB 129 Original

2020 Regular Session

Wilford Carter

Abstract: Authorizes a person to file a motion to expunge a record of his arrest for a felony or misdemeanor offense that did not result in a conviction if the person successfully completes a pretrial diversion program.

Present law provides that a person may file a motion to expunge a record of his arrest for a felony or misdemeanor offense that did not result in a conviction if any of the following apply:

- (1) The person was not prosecuted for the offense for which he was arrested, and the limitations on the institution of prosecution have barred the prosecution for that offense.
- (2) The district attorney for any reason declined to prosecute any offense arising out of that arrest.
- (3) Prosecution was instituted and such proceedings have been finally disposed of by dismissal, sustaining of a motion to quash, or acquittal.
- (4) The person was judicially determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to present law. The person may seek to have the arrest and conviction which formed the basis for the wrongful conviction expunged without the limitations or time delays imposed by present law.

Proposed law provides that in addition to the district attorney declining to prosecute any offense arising out of an arrest, a person may file a motion to expunge a record of his arrest for a felony or misdemeanor offense that did not result in a conviction if the person successfully completes a pretrial diversion program.

(Amends C.Cr.P. Art. 976(A)(2))