

2020 Regular Session

HOUSE BILL NO. 129

BY REPRESENTATIVE WILFORD CARTER

CRIMINAL/RECORDS: Provides relative to a motion to expunge a record of arrest that did not result in a conviction

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 976(A)(2), relative to
3 expungement of records; to provide relative to the motion to expunge a record of
4 arrest that did not result in a conviction; to provide that a person may file a motion
5 to expunge such record if the person successfully completes a pretrial diversion
6 program; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 976(A)(2) is hereby amended and
9 reenacted to read as follows:

10 Art. 976. Motion to expunge record of arrest that did not result in a conviction

11 A. A person may file a motion to expunge a record of his arrest for a felony
12 or misdemeanor offense that did not result in a conviction if any of the following
13 apply:

14 * * *

15 (2) The district attorney for any reason declined to prosecute any offense
16 arising out of that arrest, including the reason that the person successfully completed
17 a pretrial diversion program.

18 * * *

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)]

HB 129 Engrossed

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))