

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

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 A.

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

