

2019 Regular Session

HOUSE BILL NO. 9

BY REPRESENTATIVE MARINO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Provides relative to costs of expungement of a record

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 972(4) and 983(H) and to enact
3 Code of Criminal Procedure Article 983(I), relative to expungement of records; to
4 provide relative to the definition of records; to amend the definition to include
5 warrants or attachments for failing to comply with a notice or summons to appear in
6 court; to provide relative to costs of expungement of a record; to provide for
7 circumstances when two or more offenses arise out of the same arrest; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Criminal Procedure Articles 972(4) and 983(H) are hereby
11 amended and reenacted and Code of Criminal Procedure Article 983(I) is hereby enacted to
12 read as follows:

13 Art. 972. Definitions

14 As used in this Title:

15 * * *

16 (4) "Records" includes any incident reports, photographs, fingerprints,
17 disposition, or any other such information of any kind in relation to a single arrest
18 event in the possession of the clerk of court, any criminal justice agency, and local
19 and state law enforcement agencies but shall not include DNA records. Records
20 shall also include records of an arrest based on a warrant or attachment for failure to

1 appear in court for the same offense or offenses for which the person is seeking an
2 expungement.

3 * * *

4 Art. 983. Costs of expungement of a record; fees; collection; exemptions;
5 disbursements

6 * * *

7 H. If an application for an expungement of a record includes two or more
8 offenses arising out of the same arrest, including misdemeanors, felonies, or both,
9 the applicant shall be required to pay only one fee as provided for by this Article.

10 H.I. Notwithstanding any provision of law to the contrary, an applicant for
11 the expungement of a record, other than as provided in Paragraphs F and G of this
12 Article, may proceed in forma pauperis in accordance with the provisions of Code
13 of Civil Procedure Article 5181 et seq.

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)]

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Abstract: Provides relative to expungement fees when two or more offenses arise out of the same arrest.

Present law provides for the expungement of certain arrest and conviction records under certain circumstances.

Present law provides for the definition of "records" which includes any incident reports, photographs, fingerprints, disposition, or any other such information of any kind in relation to a single arrest event in the possession of the clerk of court, any criminal justice agency, and local and state law enforcement agencies, but does not include DNA records.

Proposed law amends the present law definition to include records of an arrest based on a warrant or attachment for failure to appear in court for the same offense or offenses for which the person is seeking an expungement.

Present law provides that the total cost to obtain an expungement of a record shall not exceed \$550.

Proposed law provides that if an application for an expungement of a record has two or more offenses arising out of the same arrest, including misdemeanors, felonies, or both, then the applicant is required to only pay one fee as provided for by present law.

(Amends C.Cr.P. Art. 972(4) and 983(H); Adds C.Cr.P. Art. 983(I))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Amend the present law definition of "records" to include records of an arrest based on a warrant or attachment for failure to appear in court for the same offense or offenses for which the person seeks an expungement.