

2018 Third Extraordinary Session

HOUSE CONCURRENT RESOLUTION NO. 4

BY REPRESENTATIVES MARINO, DUPLESSIS, HAZEL, MUSCARELLO, PYLANT,  
AND STEFANSKI

Requests the La. State Law Institute to study and make recommendations relative to  
expungement fees

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations  
relative to fees for the expungement of arrest and conviction records.

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

WHEREAS, the provisions of law regarding expungement have been revised over  
the years with the goal of simplifying, consolidating, and clarifying expungement  
procedures; and

WHEREAS, Louisiana law provides for the mandatory expungement of certain  
records when the defendant was arrested and not convicted, the district attorney declines to  
prosecute, or the time limitations for the institution of prosecution have expired, without cost  
to the defendant; and

WHEREAS, expungement of other records of arrest and conviction not falling into  
any of the above categories requires the defendant to pay certain nonrefundable fees to the  
Louisiana Bureau of Criminal Identification and Information, the sheriff of the parish in  
which the arrest was made, the district attorney of the parish in which the conviction was  
obtained, and the clerk of court; and

WHEREAS, while the maximum amounts of these fees are set by law, the actual  
amounts charged by the named entities and the methods of collection can vary from parish  
to parish, which creates a level of uncertainty in present law for those persons seeking to  
have certain records of arrest or conviction expunged; and

WHEREAS, a study of the necessity and fairness of the amounts of the fees that may be charged for an expungement should be undertaken, and a uniform and streamlined procedure for the payment and collection of these fees should be developed.

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

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 on 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 shall report its findings and recommendations to the Louisiana Legislature no later than February 1, 2019.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE