

2020 Regular Session  
HOUSE BILL NO. 178  
BY REPRESENTATIVE MARINO

# ACT No. 70

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AN ACT

To amend and reenact Code of Criminal Procedure Article 893(E)(1)(b), (2), (3)(c), and (4), relative to suspension and deferral of sentence and probation in felony cases; to provide relative to the deferral of a sentence for certain drug offenses; to provide relative to dismissals of prosecution; to provide that the restriction that certain dismissals may occur only twice; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 893(E)(1)(b), (2), (3)(c), and (4) are hereby amended and reenacted to read as follows:

Art. 893. Suspension and deferral of sentence and probation in felony cases

\* \* \*

E.(1)

\* \* \*

(b) The court shall not defer a sentence under this provision for an offense or an attempted offense that is designated in the court minutes as a crime of violence pursuant to Article 890.3 or that is defined as a sex offense by R.S. 15:541, involving a child under the age of seventeen years or for a violation of the Uniform Controlled Dangerous Substances Law that is punishable by a term of imprisonment of more than ~~five~~ ten years or for a violation of R.S. 40:966(A), 967(A), 968(A), 969(A), or 970(A).





ACT No. 71

2020 Regular Session

HOUSE BILL NO. 179

BY REPRESENTATIVE MARINO

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AN ACT

To amend and reenact Code of Criminal Procedure Articles 989 and 992 and to repeal Code of Criminal Procedure Article 978(E)(1)(d), relative to expungement; to provide relative to the expungement of certain crimes after a cleansing period; to remove the requirement that a person must be employed for a period of ten consecutive years; to provide for the expungement forms to be used; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 989 and 992 are hereby amended and reenacted to read as follows:

Art. 989. Motion for expungement forms to be used

**STATE OF LOUISIANA**

**JUDICIAL DISTRICT FOR THE PARISH OF**

\_\_\_\_\_

No.: \_\_\_\_\_

Division: " \_\_\_\_\_ "

**State of Louisiana**

vs.

\_\_\_\_\_

**MOTION FOR EXPUNGEMENT**

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

**I. DEFENDANT INFORMATION**

NAME: \_\_\_\_\_

*(Last, First, MI)*







1 of the defendant, and proof of the requirements set forth in C.Cr.P.  
2 Art. 556, which shall include the defendant's date of birth, last four  
3 digits of social security number, and driver's license number

4 5. Mover has attached to this Motion the following pertinent documents:

- 5  Criminal Background Check from the La. State Police/Parish Sheriff
- 6 dated within the past 60 days (required).
- 7  Bill(s) of Information (if any).
- 8  Minute entry showing final disposition of case (if any).
- 9  Certification Letter from the District Attorney for fee waiver (if
- 10 eligible).
- 11  Certification Letter from the District Attorney verifying that the
- 12 applicant has no convictions or pending applicable criminal charges
- 13 in the requisite time periods.
- 14  Certification Letter from the District Attorney verifying that the
- 15 charges were refused.
- 16  Certification Letter from the District Attorney verifying that the
- 17 applicant did not participate in a pretrial diversion program.
- 18  A copy of the order waiving the sex offender registration and
- 19 notification requirements.
- 20  ~~Documentation verifying that the mover has been employed for ten~~
- 21 ~~consecutive years.~~
- 22  A copy of the court order determination of factual innocence and
- 23 order of compensation for a wrongful conviction pursuant to the
- 24 provisions of R.S. 15:572.8 if applicable.

25 The Mover prays that if there is no objection timely filed by the arresting law  
26 enforcement agency, the district attorney's office, or the Louisiana Bureau of  
27 Criminal Identification and Information, that an order be issued herein ordering the  
28 expungement of the record of arrest and/or conviction set forth above, including all  
29 photographs, fingerprints, disposition, or any other such information, which record  
30 shall be confidential and no longer considered a public record, nor be made available

1 to other persons, except a prosecutor, member of a law enforcement agency, or a  
 2 judge who may request such information in writing, certifying that such request is  
 3 for the purpose of prosecuting, investigating, or enforcing the criminal law, for the  
 4 purpose of any other statutorily defined law enforcement or administrative duties,  
 5 or for the purpose of the requirements of sex offender registration and notification  
 6 pursuant to the provisions of R.S. 15:541 et seq. or as an order of this Court to any  
 7 other person for good cause shown, or as otherwise authorized by law.

8 If an "Affidavit of No Opposition" by each agency named herein is attached  
 9 hereto and made a part hereof, Defendant requests that no contradictory hearing be  
 10 required and the Motion be granted ex parte.

11 Respectfully submitted,

12 \_\_\_\_\_  
 13 Signature of Attorney for Mover/Defendant

14 \_\_\_\_\_  
 15 Attorney for Mover/Defendant Name

16 \_\_\_\_\_  
 17 Attorney's Bar Roll No.

18 \_\_\_\_\_  
 19 Address

20 \_\_\_\_\_  
 21 \_\_\_\_\_

22 City, State, ZIP Code  
 23 \_\_\_\_\_

24 Telephone Number

25 **If not represented by counsel:**  
 26 \_\_\_\_\_

27 Signature of Mover/Defendant  
 28 \_\_\_\_\_

29 Mover/Defendant Name

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\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

\* \* \*

Art. 992. Order of expungement form to be used

**STATE OF LOUISIANA  
JUDICIAL DISTRICT FOR THE PARISH OF**

\_\_\_\_\_

No.: \_\_\_\_\_

Division: " \_\_\_\_\_ "

**State of Louisiana**

vs.

\_\_\_\_\_

**ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD**

Considering the Motion for Expungement

- The hearing conducted and evidence adduced herein, OR
- Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

- THE MOTION IS DENIED for No(s). \_\_\_\_, , , , \_\_\_\_\_ for the following reasons (check all that apply):
  - More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.
  - More than ten years have not elapsed since Mover completed the felony conviction sentence.
  - Mover was convicted of one of the following ineligible felony offenses:
  - A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.



1                    Mover's conviction for felony carnal knowledge of a juvenile is not  
2   defined as misdemeanor carnal knowledge of a juvenile had the  
3   mover been convicted on or after August 15, 2001.

4                    ~~Mover has not been employed for ten consecutive years as required~~  
5   ~~by C.Cr.P. Art. 978(E)(1)(d).~~

6                    Mover was not convicted of a crime that would be eligible for  
7   expungement as required by C.Cr.P. Art. 978(E)(1).

8                    Mover has criminal charges pending against him.

9                    Mover was convicted of a criminal offense during the ten-year  
10   period.

11                    Denial for any other reason provided by law with attached reasons for  
12   denial.

13                    **THE MOTION IS HEREBY GRANTED** for No(s). \_\_\_\_\_  
14   and all agencies are ordered to expunge the record of arrest/conviction and  
15   any photographs, fingerprints, or any other such information of any kind  
16   maintained in connection with the Arrest(s)/Conviction(s) in the above-  
17   captioned matter, which record shall be confidential and no longer  
18   considered a public record, nor be available to other persons except a  
19   prosecutor, member of a law enforcement agency, or a judge who may  
20   request such information in writing certifying that such request is for the  
21   purpose of prosecuting, investigating, or enforcing the criminal law, for the  
22   purpose of any other statutorily defined law enforcement or administrative  
23   duties, or for the purpose of the requirements of sex offender registration and  
24   notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order  
25   of this Court to any other person for good cause shown, or as otherwise  
26   authorized by law.

27                    **THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT**  
28   **BY REDACTION** If the record includes more than one individual and the mover  
29   is entitled to expungement by redaction pursuant to Code of Criminal Procedure  
30   Article 985, for No(s). \_\_\_\_\_ and all agencies are ordered to expunge the

1 record of arrest/conviction and any photographs, fingerprints, or any other such  
 2 information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the  
 3 above-captioned matter as they relate to the mover only. The record shall be  
 4 confidential and no longer considered a public record, nor be available to other  
 5 persons except a prosecutor, member of a law enforcement agency, or a judge who  
 6 may request such information in writing certifying that such request is for the  
 7 purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose  
 8 of any other statutorily defined law enforcement or administrative duties, or for the  
 9 purpose of the requirements of sex offender registration and notification pursuant to  
 10 the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other  
 11 person for good cause shown, or as otherwise authorized by law.

12 NAME: \_\_\_\_\_

13 (Last, First, MI)

14 DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

15 GENDER: \_\_\_\_ Female \_\_\_\_ Male

16 SSN (last 4 digits): XXX-XX-\_\_\_\_\_

17 RACE: \_\_\_\_\_

18 DRIVER LIC.# \_\_\_\_\_

19 ARRESTING AGENCY: \_\_\_\_\_

20 SID# (if available): \_\_\_\_\_

21 ARREST NUMBER (ATN): \_\_\_\_\_

22 AGENCY ITEM NUMBER: \_\_\_\_\_

23 ARREST DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

24 **THUS ORDERED AND SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

25 at \_\_\_\_\_, Louisiana.

26 \_\_\_\_\_

27 JUDGE

28 **PLEASE SERVE:**

29 1. District Attorney: \_\_\_\_\_

- 1           2.    Arresting Agency: \_\_\_\_\_
- 2           3.    Parish Sheriff: \_\_\_\_\_
- 3           4.    Louisiana Bureau of Criminal Identification and Information \_\_\_\_\_
- 4           5.    Attorney for Defendant (or defendant) \_\_\_\_\_
- 5           6.    Clerk of Court \_\_\_\_\_

6           Section 2. Code of Criminal Procedure Article 978(E)(1)(d) is hereby repealed in  
 7    its entirety.

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2020 Regular Session  
HOUSE BILL NO. 194  
BY REPRESENTATIVE MARINO

# ACT No. 73

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 989, 992, and 993, relative to  
3 expungement; to provide with respect for expungement forms; to provide for the  
4 amendment of certain forms for expungement; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Articles 989, 992, and 993 are hereby  
7 amended and reenacted to read as follows:

8 Art. 989. Motion for expungement forms to be used

9 **STATE OF LOUISIANA**  
10 **JUDICIAL DISTRICT FOR THE PARISH OF**

11 \_\_\_\_\_  
12 **No.:** \_\_\_\_\_ **Division: " \_\_\_\_\_ "**

13 **State of Louisiana**

14 **vs.**

15 \_\_\_\_\_

16 **MOTION FOR EXPUNGEMENT**

17 NOW INTO COURT comes mover, who provides the court with the  
18 following information in connection with this request:

19 **I. DEFENDANT INFORMATION**

20 NAME: \_\_\_\_\_

21 (Last, First, MI)

22 DOB: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (MM/DD/YYYY)

23 GENDER \_\_\_\_\_ Female \_\_\_\_\_ Male

24 SSN (last 4 digits): XXX-XX-\_\_\_\_\_

1 RACE: \_\_\_\_\_

2 DRIVER LIC.# \_\_\_\_\_

3 ARRESTING AGENCY: \_\_\_\_\_

4 SID# (if available): \_\_\_\_\_

5 ARREST NUMBER (ATN): \_\_\_\_\_

6 AGENCY ITEM NO. \_\_\_\_\_

7 Mover is entitled to expunge the record of his arrest/conviction pursuant to

8 Louisiana Code of Criminal Procedure Article 971 et seq. and states the following

9 in support:

10 **II. ARREST INFORMATION**

11 1. Mover was arrested on \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YYYY)

12 2. \_\_\_\_ YES \_\_\_\_ NO A supplemental sheet with arrests and/or

13 convictions is attached after page 2 of this

14 Motion.

15 3. Mover was:

16 \_\_\_\_ YES \_\_\_\_ NO Arrested, but it did not result in conviction

17 \_\_\_\_ YES \_\_\_\_ NO Convicted of and seeks to expunge a

18 misdemeanor

19 \_\_\_\_ YES \_\_\_\_ NO Convicted of and seeks to expunge a felony

20 \_\_\_\_ YES \_\_\_\_ NO Convicted but determined to be factually

21 innocent and entitled to compensation for a

22 wrongful conviction pursuant to the

23 provisions of R.S. 15:572.8.

24 4. Mover was booked and/or charged with the following offenses: (List each

25 offense booked and charged separately. Attach a supplemental sheet, if

26 necessary.)

27 \_\_\_\_ Yes \_\_\_\_ No **ARRESTS THAT DID NOT RESULT IN CONVICTION**

28 **NO. 1** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

29 Name of the offense \_\_\_\_\_

1 ( ) Time expired for prosecution \_\_\_\_\_  
2 (MM/DD/YYYY)

3 ( ) Not prosecuted for any offense  
4 arising out of this charge.

5 ( ) Pre-trial Diversion Program.

6 ( ) DWI Pre-Trial Diversion Program  
7 and 5 years have elapsed since the  
8 date of arrest.

9 ( ) Charge dismissed

10 ( ) Found not guilty/judgment of acquittal

11 **NO. 2** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

12 Name of the offense \_\_\_\_\_

13 ( ) Time expired for prosecution \_\_\_\_\_  
14 (MM/DD/YYYY)

15 ( ) Not prosecuted for any  
16 offense arising out of this charge.

17 ( ) Pre-trial Diversion Program.

18 ( ) Charge dismissed

19 ( ) Found not guilty/judgment of acquittal

20 **NO. 3** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

21 Name of the offense \_\_\_\_\_

22 ( ) Time expired for prosecution \_\_\_\_\_  
23 (MM/DD/YYYY)

24 ( ) Not prosecuted for any offense  
25 arising out of this charge.

26 ( ) Pre-trial Diversion Program.

27 ( ) Charge dismissed

28 ( ) Found not guilty/judgment of acquittal

29      Yes      No **MISDEMEANOR CONVICTIONS**

30 **NO. 1** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

1 Name of the offense \_\_\_\_\_  
 2 ( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_\_  
 3 pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)  
 4 ( ) More than 5 years have passed  
 5 since completion of sentence.

6 **NO. 2** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

7 Name of the offense \_\_\_\_\_  
 8 ( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_\_  
 9 pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)  
 10 ( ) More than 5 years have passed  
 11 since completion of sentence.

12 \_\_\_\_ Yes \_\_\_\_ No **FELONY CONVICTIONS**

13 **NO. 1** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

14 ( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_\_  
 15 pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
 16 ( ) More than 10 years have passed  
 17 since completion of sentence  
 18 ( ) Received a first offender pardon for an eligible offense

19 **NO. 2** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

20 ( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_\_  
 21 pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
 22 ( ) More than 10 years have passed  
 23 since completion of sentence  
 24 ( ) Received a first offender pardon for an eligible offense

25 \_\_\_\_ Yes \_\_\_\_ No **OPERATING A MOTOR VEHICLE WHILE  
 26 INTOXICATED CONVICTIONS**

27 Mover has attached the following:

28 ( ) A copy of the proof from the Department of Public Safety and  
 29 Corrections, office of motor vehicles, that it has received from the  
 30 clerk of court a certified copy of the record of the plea, fingerprints

1 of the defendant, and proof of the requirements set forth in C.Cr.P.  
2 Art. 556, which shall include the defendant's date of birth, last four  
3 digits of social security number, and driver's license number

4 5. Mover has attached to this Motion the following pertinent documents:

- 5  Criminal Background Check from the La. State Police/Parish Sheriff
- 6 dated within the past 60 days (required).
- 7  Bill(s) of Information (if any).
- 8  Minute entry showing final disposition of case (if any).
- 9  Certification Letter from the District Attorney for fee waiver (if
- 10 eligible).
- 11  Certification Letter from the District Attorney verifying that the
- 12 applicant has no convictions or pending applicable criminal charges
- 13 in the requisite time periods.
- 14  Certification Letter from the District Attorney verifying that the
- 15 charges were refused.
- 16  Certification Letter from the District Attorney verifying that the
- 17 applicant did not participate in a pretrial diversion program.
- 18  A copy of a first offender pardon.
- 19  A copy of the order waiving the sex offender registration and
- 20 notification requirements.
- 21  Documentation verifying that the mover has been employed for ten
- 22 consecutive years.
- 23  A copy of the court order determination of factual innocence and
- 24 order of compensation for a wrongful conviction pursuant to the
- 25 provisions of R.S. 15:572.8 if applicable.

26 The Mover prays that if there is no objection timely filed by the arresting law  
27 enforcement agency, the district attorney's office, or the Louisiana Bureau of  
28 Criminal Identification and Information, that an order be issued herein ordering the  
29 expungement of the record of arrest and/or conviction set forth above, including all  
30 photographs, fingerprints, disposition, or any other such information, which record

1 shall be confidential and no longer considered a public record, nor be made available  
 2 to other persons, except a prosecutor, member of a law enforcement agency, or a  
 3 judge who may request such information in writing, certifying that such request is  
 4 for the purpose of prosecuting, investigating, or enforcing the criminal law, for the  
 5 purpose of any other statutorily defined law enforcement or administrative duties,  
 6 or for the purpose of the requirements of sex offender registration and notification  
 7 pursuant to the provisions of R.S. 15:541 et seq. or as an order of this Court to any  
 8 other person for good cause shown, or as otherwise authorized by law.

9 If an "Affidavit of No Opposition" by each agency named herein is attached  
 10 hereto and made a part hereof, Defendant requests that no contradictory hearing be  
 11 required and the Motion be granted ex parte.

12 Respectfully submitted,

13 \_\_\_\_\_

14 Signature of Attorney for Mover/Defendant

15 \_\_\_\_\_

16 Attorney for Mover/Defendant Name

17 \_\_\_\_\_

18 Attorney's Bar Roll No.

19 \_\_\_\_\_

20 Address

21 \_\_\_\_\_

22 City, State, ZIP Code

23 \_\_\_\_\_

24 Telephone Number

25 **If not represented by counsel:**

26 \_\_\_\_\_

27 Signature of Mover/Defendant

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Mover/Defendant Name

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Address

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City, State, ZIP Code

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Telephone Number

\* \* \*

Art. 992. Order of expungement form to be used

**STATE OF LOUISIANA**  
**JUDICIAL DISTRICT FOR THE PARISH OF**

\_\_\_\_\_

**No.:** \_\_\_\_\_ **Division:** " \_\_\_\_\_ "

**State of Louisiana**

**vs.**

\_\_\_\_\_

**ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD**

Considering the Motion for Expungement

- The hearing conducted and evidence adduced herein, OR
- Affidavits of No Opposition filed,

**IT IS ORDERED, ADJUDGED AND DECREED**

**THE MOTION IS DENIED** for No(s).       ,       ,        for the following reasons (check all that apply):

- More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.
- More than ten years have not elapsed since Mover completed the felony conviction sentence.
- Mover was convicted of one of the following ineligible felony offenses:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

- 1                        A violation of the Uniform Controlled Dangerous Substances Law
- 2    which is ineligible to be expunged.
- 3                        An offense currently listed as a sex offense that requires registration
- 4    pursuant to R.S. 15:540 et seq., at the time the Motion was filed,
- 5    regardless of whether the duty to register was ever imposed.
- 6                        An offense defined or enumerated as a "crime of violence" pursuant
- 7    to R.S. 14:2(B) at the time the Motion was filed.
- 8                        The arrest and conviction being sought to have expunged is for
- 9    operating a motor vehicle while intoxicated and a copy of the proof
- 10     from the Department of Public Safety and Corrections, office of
- 11     motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).
- 12                        Mover has had another record of misdemeanor conviction expunged
- 13     during the previous five-year period.
- 14                        The record of arrest and conviction which Mover seeks to have
- 15     expunged is for operating a motor vehicle while intoxicated and
- 16     Mover has had another record of arrest and misdemeanor conviction
- 17     expunged during the previous ten-year period.
- 18                        Mover has had another record of felony conviction expunged during
- 19     the previous fifteen-year period.
- 20                        Mover was convicted of a misdemeanor which arose from
- 21     circumstances involving a sex offense as defined in R.S. 15:541.
- 22                        Mover was convicted of misdemeanor offense of domestic abuse
- 23     battery which was not dismissed pursuant to C.Cr.P. Art. 894(B).
- 24                        Mover did not complete pretrial diversion.
- 25                        The charges against the mover were not dismissed or refused.
- 26                        Mover's felony conviction was not set aside and dismissed pursuant
- 27     to C.Cr.P. Art. 893(E).
- 28                        Mover's felony conviction was not set aside and dismissed pursuant
- 29     to C.Cr.P. Art. 894(B).

- 1                    Mover completed a DWI pretrial diversion program, but five years
- 2   have not elapsed since the mover's date of arrest.
- 3                    Mover's conviction for felony carnal knowledge of a juvenile is not
- 4   defined as misdemeanor carnal knowledge of a juvenile had the
- 5   mover been convicted on or after August 15, 2001.
- 6                    Mover has not been employed for ten consecutive years as required
- 7   by C.Cr.P. Art. 978(E)(1)(d).
- 8                    Mover was not convicted of a crime that would be eligible for
- 9   expungement as required by C.Cr.P. Art. 978(E)(1).
- 10                   Mover has criminal charges pending against him.
- 11                   Mover was convicted of a criminal offense during the ten-year
- 12   period.
- 13                   Mover received a first offender pardon but for an ineligible offense.
- 14                   Mover did not receive a first offender pardon.
- 15                   Denial for any other reason provided by law with attached reasons for
- 16   denial.
- 17                   **THE MOTION IS HEREBY GRANTED** for No(s). \_\_\_\_\_

18                   and all agencies are ordered to expunge the record of arrest/conviction and any

19                   photographs, fingerprints, or any other such information of any kind maintained in

20                   connection with the Arrest(s)/Conviction(s) in the above-captioned matter, which

21                   record shall be confidential and no longer considered a public record, nor be

22                   available to other persons except a prosecutor, member of a law enforcement agency,

23                   or a judge who may request such information in writing certifying that such request

24                   is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the

25                   purpose of any other statutorily defined law enforcement or administrative duties,

26                   or for the purpose of the requirements of sex offender registration and notification

27                   pursuant to the provisions of R.S. 15:541 et seq. or upon an order of this Court to any

28                   other person for good cause shown, or as otherwise authorized by law.

- 29                   **THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT**
- 30                   **BY REDACTION** If the record includes more than one individual and the mover

1 is entitled to expungement by redaction pursuant to Code of Criminal Procedure  
 2 Article 985, for No(s). \_\_\_\_\_ and all agencies are ordered to expunge the  
 3 record of arrest/conviction and any photographs, fingerprints, or any other such  
 4 information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the  
 5 above-captioned matter as they relate to the mover only. The record shall be  
 6 confidential and no longer considered a public record, nor be available to other  
 7 persons except a prosecutor, member of a law enforcement agency, or a judge who  
 8 may request such information in writing certifying that such request is for the  
 9 purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose  
 10 of any other statutorily defined law enforcement or administrative duties, or for the  
 11 purpose of the requirements of sex offender registration and notification pursuant to  
 12 the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other  
 13 person for good cause shown, or as otherwise authorized by law.

14 NAME: \_\_\_\_\_

15 (Last, First, MI)

16 DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

17 GENDER: \_\_\_\_ Female \_\_\_\_ Male

18 SSN (last 4 digits): XXX-XX-\_\_\_\_\_

19 RACE: \_\_\_\_\_

20 DRIVER LIC.# \_\_\_\_\_

21 ARRESTING AGENCY: \_\_\_\_\_

22 SID# (if available): \_\_\_\_\_

23 ARREST NUMBER (ATN): \_\_\_\_\_

24 AGENCY ITEM NUMBER: \_\_\_\_\_

25 ARREST DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

26 **THUS ORDERED AND SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

27 at \_\_\_\_\_, Louisiana.

28 \_\_\_\_\_

29 JUDGE

1 **PLEASE SERVE:**

2 1. District Attorney: \_\_\_\_\_

3 2. Arresting Agency: \_\_\_\_\_

4 3. Parish Sheriff: \_\_\_\_\_

5 4. Louisiana Bureau of Criminal Identification and Information \_\_\_\_\_

6 5. Attorney for Defendant (or defendant) \_\_\_\_\_

7 6. Clerk of Court \_\_\_\_\_

8 Art. 993. Supplemental forms to be used

9 **SUPPLEMENTAL SHEET**

10      **Yes**      **No** **ARRESTS THAT DID NOT RESULT IN CONVICTION**

11 **NO.**      La. Rev. Stat. Ann. §      :     

12 Name of the offense \_\_\_\_\_

13 ( ) Time expired for prosecution      /      /     

14 (MM/DD/YYYY)

15 ( ) Charge refused by DA - not prosecuted.

16 ( ) Pre-trial Diversion Program.

17 ( ) Charge dismissed

18 ( ) Found not guilty/judgment of acquittal

19 **NO.**      La. Rev. Stat. Ann. §      :     

20 Name of the offense \_\_\_\_\_

21 ( ) Time expired for prosecution      /      /     

22 (MM/DD/YYYY)

23 ( ) Charge refused by DA - not prosecuted.

24 ( ) Pre-trial Diversion Program.

25 ( ) Charge dismissed

26 ( ) Found not guilty/judgment of acquittal

27 **NO.**      La. Rev. Stat. Ann. §      :     

28 Name of the offense \_\_\_\_\_

29 ( ) Time expired for prosecution      /      /     

30 (MM/DD/YYYY)

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

- 1 ( ) Charge refused by DA - not prosecuted.
- 2 ( ) Pre-trial Diversion Program.
- 3 ( ) Charge dismissed
- 4 ( ) Found not guilty/judgment of acquittal
- 5 **NO.** \_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_
- 6 Name of the offense \_\_\_\_\_
- 7 ( ) Time expired for prosecution \_\_\_\_/\_\_\_\_/\_\_\_\_
- 8 (MM/DD/YYYY)
- 9 ( ) Charge refused by DA - not prosecuted.
- 10 ( ) Pre-trial Diversion Program.
- 11 ( ) Charge dismissed
- 12 ( ) Found not guilty/judgment of acquittal
- 13 **NO.** \_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_
- 14 Name of the offense \_\_\_\_\_
- 15 ( ) Time expired for prosecution \_\_\_\_/\_\_\_\_/\_\_\_\_
- 16 (MM/DD/YYYY)
- 17 ( ) Charge refused by DA - not prosecuted.
- 18 ( ) Pre-trial Diversion Program.
- 19 ( ) Charge dismissed
- 20 ( ) Found not guilty/judgment of acquittal
- 21 **NO.** \_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_
- 22 Name of the offense \_\_\_\_\_
- 23 ( ) Time expired for prosecution \_\_\_\_/\_\_\_\_/\_\_\_\_
- 24 (MM/DD/YYYY)
- 25 ( ) Charge refused by DA - not prosecuted.
- 26 ( ) Pre-trial Diversion Program.
- 27 ( ) Charge dismissed
- 28 ( ) Found not guilty/judgment of acquittal

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**SUPPLEMENTAL SHEET**

**\_\_\_ Yes \_\_\_ No MISDEMEANOR CONVICTIONS**

**NO.** \_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

Name of the offense \_\_\_\_\_

( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_

(MM/DD/YYYY)

pursuant to C.Cr.P. Art. 894(B)

( ) More than 5 years have passed

since completion of sentence.

**NO.** \_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

Name of the offense \_\_\_\_\_

( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_

(MM/DD/YYYY)

pursuant to C.Cr.P. Art. 894(B)

( ) More than 5 years have passed

since completion of sentence.

**NO.** \_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

Name of the offense \_\_\_\_\_

( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_

(MM/DD/YYYY)

pursuant to C.Cr.P. Art. 894(B)

( ) More than 5 years have passed

since completion of sentence.

**NO.** \_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

Name of the offense \_\_\_\_\_

( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_

(MM/DD/YYYY)

pursuant to C.Cr.P. Art. 894(B)

( ) More than 5 years have passed

since completion of sentence.



1 ( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_  
 2 (MM/DD/YYYY)  
 3 pursuant to C.Cr.P. Art. 894(B)  
 4 ( ) More than 5 years have passed  
 5 since completion of sentence.

**SUPPLEMENTAL SHEET**

7 \_\_\_\_ Yes \_\_\_\_ No **FELONY CONVICTIONS**

8 **NO.** \_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_ : \_\_\_\_  
 9 Name of the offense \_\_\_\_\_

10 ( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_  
 11 (MM/DD/YYYY)  
 12 pursuant to C.Cr.P. Art. 893(E)  
 13 ( ) More than 10 years have passed  
 14 since completion of sentence

15 ( ) Received a first offender pardon for an eligible offense  
 16 **NO.** \_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_ : \_\_\_\_  
 17 Name of the offense \_\_\_\_\_

18 ( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_  
 19 (MM/DD/YYYY)  
 20 pursuant to C.Cr.P. Art. 893(E)  
 21 ( ) More than 10 years have passed  
 22 since completion of sentence

23 ( ) Received a first offender pardon for an eligible offense  
 24 **NO.** \_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_ : \_\_\_\_  
 25 Name of the offense \_\_\_\_\_

26 ( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_  
 27 (MM/DD/YYYY)  
 28 pursuant to C.Cr.P. Art. 893(E)  
 29 ( ) More than 10 years have passed  
 30 since completion of sentence

1 ( ) Received a first offender pardon for an eligible offense

2 **NO.** \_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

3 Name of the offense \_\_\_\_\_

4 ( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_

5 (MM/DD/YYYY)

6 pursuant to C.Cr.P. Art. 893(E)

7 ( ) More than 10 years have passed

8 since completion of sentence

9 ( ) Received a first offender pardon for an eligible offense

10 **NO.** \_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

11 Name of the offense \_\_\_\_\_

12 ( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_

13 (MM/DD/YYYY)

14 pursuant to C.Cr.P. Art. 893(E)

15 ( ) More than 10 years have passed

16 since completion of sentence

17 ( ) Received a first offender pardon for an eligible offense

18 **NO.** \_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

19 Name of the offense \_\_\_\_\_

20 ( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_

21 (MM/DD/YYYY)

22 pursuant to C.Cr.P. Art. 893(E)

23 ( ) More than 10 years have passed

24 since completion of sentence

25 ( ) Received a first offender pardon for an eligible offense

26 **NO.** \_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_

27 Name of the offense \_\_\_\_\_

28 ( ) Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_

29 (MM/DD/YYYY)



2020 Regular Session  
HOUSE BILL NO. 241  
BY REPRESENTATIVE JAMES

# ACT No. 78

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 975 and 992 and to repeal Code  
3 of Criminal Procedure Articles 977(D) and 978(D), relative to expungements; to  
4 provide relative to the number of expungements a person may obtain in a certain  
5 period of time; to provide relative to the authority of certain persons to file for an  
6 expungement while incarcerated; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Articles 975 and 992 are hereby amended  
9 and reenacted to read as follows:

10 Art. 975. Individuals incarcerated; ineligible to file motion to expunge records  
11 ~~Notwithstanding any other provision of law to the contrary, a A person in the~~  
12 ~~physical custody of the Department of Public Safety and Corrections, or incarcerated~~  
13 ~~in any correctional facility serving a sentence at hard labor shall not be permitted to~~  
14 file a motion to expunge a record of an arrest which did not result in a conviction or  
15 to expunge a record of an arrest and conviction of a misdemeanor or felony offense.

16 \* \* \*

17 Art. 992. Order of expungement form to be used

18 **STATE OF LOUISIANA**

19 **JUDICIAL DISTRICT FOR THE PARISH OF**

20 \_\_\_\_\_  
21 **No.:** \_\_\_\_\_

**Division:** " \_\_\_\_\_ "

22 **State of Louisiana**

23 **vs.**

24 \_\_\_\_\_  
25 **ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD**

1           Considering the Motion for Expungement

2               The hearing conducted and evidence adduced herein, OR

3               Affidavits of No Opposition filed,

4           IT IS ORDERED, ADJUDGED AND DECREED

5               THE MOTION IS DENIED for No(s). \_\_\_\_, , , , \_\_\_\_\_ for the following  
6           reasons (check all that apply):

7               More than five years have not elapsed since Mover completed the  
8           misdemeanor conviction sentence.

9               More than ten years have not elapsed since Mover completed the  
10          felony conviction sentence.

11              Mover was convicted of one of the following ineligible felony  
12          offenses:

13              A violation of the Uniform Controlled Dangerous Substances Law  
14          which is ineligible to be expunged.

15              An offense currently listed as a sex offense that requires registration  
16          pursuant to R.S. 15:540 et seq., at the time the Motion was filed,  
17          regardless of whether the duty to register was ever imposed.

18              An offense defined or enumerated as a "crime of violence" pursuant  
19          to R.S. 14:2(B) at the time the Motion was filed.

20              The arrest and conviction being sought to have expunged is for  
21          operating a motor vehicle while intoxicated and a copy of the proof  
22          from the Department of Public Safety and Corrections, office of  
23          motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).

24              ~~Mover has had another record of misdemeanor conviction expunged  
25          during the previous five-year period.~~

26              ~~The record of arrest and conviction which Mover seeks to have  
27          expunged is for operating a motor vehicle while intoxicated and  
28          Mover has had another record of arrest and misdemeanor conviction  
29          expunged during the previous ten-year period.~~

- 1  ~~Mover has had another record of felony conviction expunged during~~  
2 ~~the previous fifteen-year period.~~
- 3  Mover was convicted of a misdemeanor which arose from  
4 circumstances involving a sex offense as defined in R.S. 15:541.
- 5  Mover was convicted of misdemeanor offense of domestic abuse  
6 battery which was not dismissed pursuant to C.Cr.P. Art. 894(B).
- 7  Mover did not complete pretrial diversion.
- 8  The charges against the mover were not dismissed or refused.
- 9  Mover's felony conviction was not set aside and dismissed pursuant  
10 to C.Cr.P. Art. 893(E).
- 11  Mover's felony conviction was not set aside and dismissed pursuant  
12 to C.Cr.P. Art. 894(B).
- 13  Mover completed a DWI pretrial diversion program, but five years  
14 have not elapsed since the mover's date of arrest.
- 15  Mover's conviction for felony carnal knowledge of a juvenile is not  
16 defined as misdemeanor carnal knowledge of a juvenile had the  
17 mover been convicted on or after August 15, 2001.
- 18  Mover has not been employed for ten consecutive years as required  
19 by C.Cr.P. Art. 978(E)(1)(d).
- 20  Mover was not convicted of a crime that would be eligible for  
21 expungement as required by C.Cr.P. Art. 978(E)(1).
- 22  Mover has criminal charges pending against him.
- 23  Mover was convicted of a criminal offense during the ten-year  
24 period.
- 25  Denial for any other reason provided by law with attached reasons for  
26 denial.
- 27  **THE MOTION IS HEREBY GRANTED** for No(s). \_\_\_\_\_  
28 and all agencies are ordered to expunge the record of arrest/conviction and  
29 any photographs, fingerprints, or any other such information of any kind  
30 maintained in connection with the Arrest(s)/Conviction(s) in the above-

1 captioned matter, which record shall be confidential and no longer  
 2 considered a public record, nor be available to other persons except a  
 3 prosecutor, member of a law enforcement agency, or a judge who may  
 4 request such information in writing certifying that such request is for the  
 5 purpose of prosecuting, investigating, or enforcing the criminal law, for the  
 6 purpose of any other statutorily defined law enforcement or administrative  
 7 duties, or for the purpose of the requirements of sex offender registration and  
 8 notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order  
 9 of this Court to any other person for good cause shown, or as otherwise  
 10 authorized by law.

11  **THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT**  
 12 **BY REDACTION** If the record includes more than one individual and the mover  
 13 is entitled to expungement by redaction pursuant to Code of Criminal Procedure  
 14 Article 985, for No(s). \_\_\_\_\_ and all agencies are ordered to expunge the  
 15 record of arrest/conviction and any photographs, fingerprints, or any other such  
 16 information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the  
 17 above-captioned matter as they relate to the mover only. The record shall be  
 18 confidential and no longer considered a public record, nor be available to other  
 19 persons except a prosecutor, member of a law enforcement agency, or a judge who  
 20 may request such information in writing certifying that such request is for the  
 21 purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose  
 22 of any other statutorily defined law enforcement or administrative duties, or for the  
 23 purpose of the requirements of sex offender registration and notification pursuant to  
 24 the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other  
 25 person for good cause shown, or as otherwise authorized by law.

26 NAME: \_\_\_\_\_

27 (Last, First, MI)

28 DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

29 GENDER: \_\_\_\_ Female \_\_\_\_ Male

30 SSN (last 4 digits): XXX-XX-\_\_\_\_\_

1 RACE: \_\_\_\_\_

2 DRIVER LIC.# \_\_\_\_\_

3 ARRESTING AGENCY: \_\_\_\_\_

4 SID# (if available): \_\_\_\_\_

5 ARREST NUMBER (ATN): \_\_\_\_\_

6 AGENCY ITEM NUMBER: \_\_\_\_\_

7 ARREST DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

8 **THUS ORDERED AND SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

9 at \_\_\_\_\_, Louisiana.

10 \_\_\_\_\_

11 JUDGE

12 **PLEASE SERVE:**

13 1. District Attorney: \_\_\_\_\_

14 2. Arresting Agency: \_\_\_\_\_

15 3. Parish Sheriff: \_\_\_\_\_

16 4. Louisiana Bureau of Criminal Identification and Information \_\_\_\_\_

17 5. Attorney for Defendant (or defendant) \_\_\_\_\_

18 6. Clerk of Court \_\_\_\_\_

19 Section 2. Code of Criminal Procedure Articles 977(D) and 978(D) are hereby  
20 repealed in their entirety.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2020 Regular Session  
HOUSE BILL NO. 257

# ACT No. 79

BY REPRESENTATIVE MUSCARELLO

Provides relative to the form of payment for expungement of a record

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 983(A), relative to expungement  
3 of records; to provide relative to the costs of expungement of a record; to provide  
4 that the payment may be made by money orders or checks issued by a law firm or  
5 an attorney; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 983(A) is hereby amended and  
8 reenacted to read as follows:

9 Art. 983. Costs of expungement of a record; fees; collection; exemptions;  
10 disbursements

11 A. Except as provided for in Articles 894 and 984, the total cost to obtain a  
12 court order expunging a record shall not exceed five hundred fifty dollars. Payment  
13 may be made by United States postal money orders or money orders issued by any  
14 state or national bank or by checks issued by a law firm or an attorney.

15 \* \* \*

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2020 Regular Session  
HOUSE BILL NO. 57  
BY REPRESENTATIVE MUSCARELLO

# ACT No. 97

1 AN ACT

2 To enact Code of Criminal Procedure Article 404(I) and (J), relative to jury commissions;  
3 to provide for the functions of the jury commissions in the parishes of Tangipahoa  
4 and Jackson; to transfer the functions of the jury commissions to the clerks of court  
5 of Tangipahoa Parish and Jackson Parish; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 404(I) and (J) is hereby enacted to  
8 read as follows:

9 Art. 404. Appointment of jury commissions; term of office; oath; quorum;  
10 performance of functions of jury commissions in certain parishes

11 \* \* \*

12 I. In the parish of Tangipahoa, the function of the jury commission shall be  
13 performed by the clerk of court of Tangipahoa Parish or by a deputy clerk of court  
14 designated by the respective clerk in writing to act in his stead in all matters affecting  
15 the jury commission. The clerk of court or his designated deputy shall have the same  
16 powers, duties, and responsibilities, and shall be governed by all applicable  
17 provisions of law pertaining to jury commissioners. The clerk of court of  
18 Tangipahoa Parish shall perform the duties and responsibilities otherwise imposed  
19 upon him by law with respect to jury venires, shall coordinate the jury venire  
20 process, and shall receive the compensation generally authorized for a jury  
21 commissioner.

22 J. In the parish of Jackson, the function of the jury commission shall be  
23 performed by the clerk of court of Jackson Parish or by a deputy clerk of court  
24 designated by the respective clerk in writing to act in his stead in all matters affecting

1           the jury commission. The clerk of court or his designated deputy shall have the same  
2           powers, duties, and responsibilities, and shall be governed by all applicable  
3           provisions of law pertaining to jury commissioners. The clerk of court of Jackson  
4           Parish shall perform the duties and responsibilities otherwise imposed upon him by  
5           law with respect to jury venires, shall coordinate the jury venire process, and shall  
6           receive the compensation generally authorized for a jury commissioner.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2020 Regular Session

# ACT No. 98

HOUSE BILL NO. 77

BY REPRESENTATIVE DEVILLIER

1 AN ACT

2 To enact Subpart (2) of Part II of Chapter 5 of Title 15 of the Louisiana Revised Statutes of  
3 1950, to be comprised of R.S. 15:574.14, and Code of Criminal Procedure Article  
4 895(P), relative to supervision of persons on probation or parole; to provide relative  
5 to the reporting requirements of persons on probation or parole; to authorize the use  
6 of certain technology to comply with reporting requirements; to provide certain  
7 specifications for the technology; to provide relative to when the technology may be  
8 used; to authorize the Department of Public Safety and Corrections to promulgate  
9 certain rules; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Subpart (2) of Part II of Chapter 5 of Title 15 of the Louisiana Revised  
12 Statutes of 1950, comprised of R.S. 15:574.14, is hereby enacted to read as follows:

13 (2) PAROLEE SUPERVISION

14 §574.14. Required reporting of parolees; alternative to in-person meetings

15 A. A probation and parole officer who supervises a parolee shall schedule  
16 meetings, which are required as a condition of an individual's release, at such times  
17 and locations that take into consideration and accommodate the work schedule of a  
18 parolee who is employed by another person or entity.

19 B. To comply with the provisions of Subsection A of this Section, in lieu of  
20 requiring the parolee to appear in-person for the required reporting or meetings, the  
21 probation and parole officer may utilize technology portals, including cellular  
22 telephone and other electronic communication devices, that allow simultaneous voice



1           probation officer and in accordance with any rules promulgated by the Department  
2           of Public Safety and Corrections pursuant to this Paragraph.

3                   (3) The Department of Public Safety and Corrections shall promulgate rules  
4           in accordance with the Administrative Procedure Act to implement the provisions  
5           of this Paragraph. The rules promulgated by the department pursuant to this  
6           Paragraph shall include but are not limited to minimum standards and guidelines for  
7           the authorized technology and how it may be used as well as standards for  
8           determining the eligibility and suitability of defendants on probation to meet their  
9           reporting requirements through the use of such technology. The eligibility and  
10          suitability standards shall include consideration of the severity of the defendant's  
11          underlying criminal conviction, criminal history, supervision level, and past  
12          supervision history.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2020 Regular Session  
HOUSE BILL NO. 129  
BY REPRESENTATIVE WILFORD CARTER

# ACT No. 132

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 \* \* \*

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2020 Regular Session  
HOUSE BILL NO. 775  
BY REPRESENTATIVE MARINO

# ACT No. 160

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AN ACT

To amend and reenact Code of Criminal Procedure Articles 551(B), 553(A), 556(E), 556.1(F), 562(A), (B), and (D), and 835 and to repeal Code of Criminal Procedure Articles 533(C), 831(B), 832(B), and 833(C), relative to appearance by the defendant at certain proceedings; to provide relative to the defendant's appearance at arraignment, at the entry of his plea, at a revocation or contempt hearing, and at sentencing; to provide relative to the appearance of a defendant at certain proceedings by way of simultaneous transmission through audio-visual electronic equipment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 551(B), 553(A), 556(E), 556.1(F), 562(A), (B), and (D), and 835 are hereby amended and reenacted to read as follows:

Art. 551. Arraignment of defendant

\* \* \*

B. The court may, by local rule, provide for the defendant's appearance at the arraignment, at and the entry of his plea ~~of guilty, or both~~, by way of simultaneous transmission through audio-visual electronic equipment ~~in accordance with the provisions of Article 562.~~

\* \* \*

Art. 553. Method of pleading

A. Except when otherwise provided under Paragraph B of this Article or by local rule in accordance with Articles 551 and 562, the defendant in a felony case shall plead in person. In misdemeanor cases, the defendant may plead not guilty

1 through counsel, may plead guilty through counsel with consent of the court, may  
 2 appear at arraignment, at the entry of and enter his plea of guilty, ~~or both~~, by way of  
 3 simultaneous audio-visual transmission in accordance with local rules of court and  
 4 Articles 551 and 562, and may plead and be arraigned in accordance with procedures  
 5 established according to R.S. 32:57(C). A corporation may plead through counsel  
 6 in all cases. The plea shall be made in open court and shall be immediately entered  
 7 in the minutes of the court. A failure to enter a plea in the minutes shall not affect  
 8 the validity of any proceeding in the case.

9 \* \* \*

10 Art. 556. Plea of guilty or nolo contendere in misdemeanor cases; duty of court

11 \* \* \*

12 E. Nothing in this Article prohibits the court, by local rule, from providing  
 13 for a defendant's appearance at the entry of his plea of guilty or nolo contendere by  
 14 simultaneous audio-visual transmission ~~in accordance with the provisions of Articles~~  
 15 ~~551 and 562.~~

16 Art. 556.1. Plea of guilty or nolo contendere in felony cases; duty of court

17 \* \* \*

18 F. Nothing in this Article prohibits the court, by local rule, from providing  
 19 for a defendant's appearance at the entry of his plea of guilty or nolo contendere by  
 20 simultaneous audio-visual transmission in accordance with the provisions of ~~Articles~~  
 21 ~~551 and~~ Article 562.

22 \* \* \*

23 Art. 562. Use of simultaneous audio-visual transmission for certain proceedings

24 A.(1) In a case where the offense is a noncapital felony or ~~an enhanceable~~  
 25 a misdemeanor, the defendant, who is confined in a jail, prison, or other detention  
 26 facility in Louisiana, may, with the court's consent and the consent of the district  
 27 attorney, appear at the arraignment, ~~at any preliminary matter or pretrial conference~~  
 28 ~~that does not involve the taking of testimony,~~ at the entry of his plea of guilty, ~~and~~  
 29 at any revocation hearing for a probation violation, including any hearing for a  
 30 contempt of court, and at sentencing by simultaneous audio-visual transmission if

1 the court, by local rule, provides for the defendant's appearance in this manner and  
 2 the defendant waives, ~~in accordance with the provisions of Paragraph D of this~~  
 3 ~~Article~~, his right to be physically present at the proceeding.

4 ~~(2) In a case where the offense is not a felony and is not an enhanceable~~  
 5 ~~misdemeanor, the court, with the consent of the district attorney, may require the~~  
 6 ~~defendant, who is confined in a jail, prison, or other detention facility in Louisiana,~~  
 7 ~~to appear at the arraignment, at any preliminary matter or pretrial conference that~~  
 8 ~~does not involve the taking of testimony, at the entry of his plea of guilty, and at any~~  
 9 ~~revocation hearing for a probation violation, including any hearing for a contempt~~  
 10 ~~of court, by simultaneous audio-visual transmission if the court, by local rule,~~  
 11 ~~provides for the defendant's appearance in this manner.~~

12 ~~(3) For purposes of this Paragraph, "enhanceable misdemeanor" means a~~  
 13 ~~misdemeanor offense that provides increased or enhanced penalties for a subsequent~~  
 14 ~~conviction of the offense or that provides increased or enhanced penalties when~~  
 15 ~~certain elements are present during the commission of the offense.~~

16 B. Notwithstanding the provisions of Paragraph A of this Article, ~~in~~ In a  
 17 capital case, the defendant may not enter his plea by simultaneous audio-visual  
 18 transmission.

19 \* \* \*

20 ~~D.(1) A defendant who elects to appear at the proceeding by simultaneous~~  
 21 ~~audio-visual transmission in accordance with the provisions of this Article and enter~~  
 22 ~~a plea of guilty or nolo contendere shall submit to the court a form signed by the~~  
 23 ~~defendant and, if represented by an attorney at the proceeding, by the defendant's~~  
 24 ~~attorney, stating that the defendant waives his right to be physically present at the~~  
 25 ~~proceeding and that he has been addressed by the court and informed of his rights~~  
 26 ~~pursuant to Article 556 or 556.1. The form shall allow for the defendant to sign, or~~  
 27 ~~initial where appropriate, each element of the waiver of rights set forth in Article 556~~  
 28 ~~or 556.1.~~

29 ~~(2) The defendant and, if represented by an attorney at the proceeding, the~~  
 30 ~~defendant's attorney may sign, or initial where appropriate, the waiver of presence~~

1 as set forth in Paragraph A of this Article and the waiver of rights form as set forth  
2 in Subparagraph (1) of this Paragraph by use of an electronic signature as defined by  
3 R.S. 9:2602. The court, by local rule, shall provide for the method of electronic  
4 signature to be used to ensure authenticity of the electronic signature.

5 (3) The law enforcement agency who has custody of the defendant at the  
6 time of the proceeding shall obtain the fingerprints of the defendant for purposes of  
7 Article 871. The fingerprints may be taken electronically or in ink and converted to  
8 electronic format.

9 \* \* \*

10 Art. 835. Presence of defendant at pronouncement of sentence

11 A. In Except as provided in Paragraph B, in felony cases the defendant shall  
12 always be present when sentence is pronounced. ~~In~~ and, in misdemeanor cases, the  
13 defendant shall be present when sentence is pronounced; unless excused by the court.  
14 If a sentence is improperly pronounced in the defendant's absence, he shall be  
15 resentenced when his presence is secured.

16 B. Nothing in this Article prohibits the court, by local rule, from providing  
17 for a defendant's appearance at the pronouncement of sentence by simultaneous  
18 audio-visual transmission in accordance with the provisions of Article 562.

19 Section 2. Code of Criminal Procedure Articles 553(C), 831(B), 832(B), and 833(C)  
20 are hereby repealed in their entirety.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 505

BY SENATOR SMITH

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AN ACT

To amend and reenact Code of Criminal Procedure Art. 320(G), (H), (I)(1)(a), and (J), and Art. 321(C)(5) and (6), R.S. 14:79(A)(3)(c) and (E), R.S. 15:574.4.2(A)(5), R.S. 46:1846(A) and (C) and 2132(4), to enact Code of Criminal Procedure Art. 320(L) and R.S. 15:574.2(A)(6), relative to protective orders; provides for domestic offenses, stalking, and sex offenses; provides for uniform abuse prevention orders; provides for types of bail; provides for violation of protective orders; provides for decisions of committee on parole; prohibits communication between offender and victim; provides for exceptions; makes technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 320(G), (H), (I)(1)(a), and (J), and Art. 321(C)(5) and (6) is hereby amended and reenacted, and Code of Criminal Procedure Art. 320(L) is hereby enacted to read as follows:

Art. 320. Conditions of bail undertaking

\* \* \*

G. Domestic offenses, stalking, and sex offenses.

(1) In determining conditions of release of a defendant who is alleged to have committed an offense against the defendant's family or household member, as defined in R.S. 46:2132(4), or against the defendant's dating partner, as defined in R.S. 46:2151, or who is alleged to have committed the offense of domestic abuse battery under the provisions of R.S. 14:35.3, **or who is alleged to have committed the offense of battery of a dating partner under the provisions of R.S. 14:34.9,** or who is alleged to have committed the offense of stalking under the provisions of R.S. 14:40.2, **or who is alleged to have committed the offense of cyberstalking under the provisions of R.S. 14:40.3,** or who is alleged to have committed the **offense of violation of protective orders under the provisions of R.S. 14:79,** or

1 who is alleged to have committed the offense of unlawful communications under  
2 the provisions of R.S. 14:285, or who is alleged to have committed a sexual assault  
3 as defined in R.S. 46:2184, ~~or who is alleged to have committed the offense of first~~  
4 ~~degree rape under the provisions of R.S. 14:42~~, the court shall consider the previous  
5 criminal history of the defendant and whether the defendant poses a threat or danger  
6 to the victim. If the court determines that the defendant poses such a threat or danger,  
7 it shall require as a condition of bail that the defendant refrain from going to the  
8 residence or household of the victim, the victim's school, and the victim's place of  
9 employment or otherwise contacting the victim in any manner whatsoever, and shall  
10 refrain from having any further contact with the victim. **The court shall also require**  
11 **as a condition of bail that the defendant be prohibited from communicating, by**  
12 **electronic communication, in writing, or orally, with a victim of the offense or**  
13 **with any of the victim's immediate family members. This condition shall not**  
14 **apply if the victim consents by way of a request to the court and the court issues**  
15 **an order permitting the communication. If an immediate family member of the**  
16 **victim consents by way of a request to the court and the court issues an order**  
17 **permitting the communication, then the defendant may contact that person.** The  
18 court shall also consider any statistical evidence prepared by the United States  
19 Department of Justice relative to the likelihood of such defendant or any person in  
20 general who has raped or molested victims under the age of thirteen years to commit  
21 sexual offenses against a victim under the age of thirteen in the future.

22 (2) If the defendant is alleged to have committed any of the offenses included  
23 in Paragraph ~~Subparagraph~~ (1) of this Subsection ~~Paragraph~~, ~~the court may~~  
24 ~~require as a condition of bail that the defendant be prohibited from communicating,~~  
25 ~~by electronic communication, in writing, or orally, with a victim of the offense, or~~  
26 ~~with any of the victim's immediate family members, while the case is pending. This~~  
27 ~~condition does not apply if the victim consents in person or through a~~  
28 ~~communication through the local prosecuting agency.~~ **and is denied bail or is**  
29 **unable to post bail and is therefore incarcerated prior to trial, the court may**  
30 **issue an order under this Paragraph prohibiting the defendant from**

1 communicating, by electronic communication, in writing, or orally, with a  
2 victim of the offense, or with any of the victim's immediate family members.  
3 This condition shall not apply if the victim consents by way of a request to the  
4 court and the court issues an order permitting the communication. If an  
5 immediate family member of the victim consents by way of a request to the  
6 court and the court issues an order permitting the communication, then the  
7 defendant may contact that person.

8 (3) In all cases, the court shall issue and shall file into the record any  
9 order issued pursuant to this Paragraph and shall serve the defendant with the  
10 order by personal service. The court shall also comply with the provisions of  
11 Paragraph H of this Article.

12 H. Uniform Abuse Prevention Order.

13 (1) ~~If, as part of a bail restriction, an order is issued for purposes of~~  
14 ~~preventing violent or threatening acts or harassment against, or contact or~~  
15 ~~communication with or physical proximity to, another person for the purpose of~~  
16 ~~preventing domestic abuse, stalking, dating violence, or sexual assault, the court~~  
17 ~~issues any order pursuant to any of the provisions of this Article prohibiting the~~  
18 ~~defendant from contacting or communicating with the victim or the victim's~~  
19 ~~immediate family members,~~ the judge shall cause to have prepared a Uniform  
20 Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and  
21 shall immediately forward it to the clerk of court for filing, on the next business day  
22 after the order is issued. The clerk of the issuing court shall transmit the Uniform  
23 Abuse Prevention Order to the Judicial Administrator's Office, Louisiana Supreme  
24 Court, for entry into the Louisiana Protective Order Registry, as provided in R.S.  
25 46:2136.2(A), by facsimile transmission or direct electronic input as expeditiously  
26 as possible, but no later than the end of the next business day after the order is filed  
27 with the clerk of court. The clerk of the issuing court shall also send a copy of the  
28 Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any  
29 modification thereof, to the chief law enforcement officer of the parish where the  
30 person or persons protected by the order reside. A copy of the Uniform Abuse

1 Prevention Order shall be retained on file in the office of the chief law enforcement  
 2 officer until otherwise directed by the court.

3 (2) If, as part of a ~~bail restriction~~ **any order issued pursuant to any of the**  
 4 **provisions of this Article**, an order is issued pursuant to the provisions of this  
 5 Paragraph, the court shall also order that the defendant be prohibited from possessing  
 6 a firearm for the duration of the Uniform Abuse Prevention Order.

7 I. Global positioning monitoring. (1)(a) In addition, the court shall order a  
 8 defendant who is alleged to have committed the offense of first degree rape under the  
 9 provisions of R.S. 14:42, and may order a defendant who is alleged to have  
 10 committed an offense ~~against the defendant's family or household member, as~~  
 11 ~~defined in R.S. 46:2132(4), or against the defendant's dating partner, as defined in~~  
 12 ~~R.S. 46:2151, or who is alleged to have committed the offense of domestic abuse~~  
 13 ~~battery under the provisions of R.S. 14:35.3, or who is alleged to have committed the~~  
 14 ~~offense of stalking under the provisions of R.S. 14:40.2, or who is alleged to have~~  
 15 ~~committed a sexual assault as defined in R.S. 46:2184~~ **enumerated in Paragraph**  
 16 **G or J of this Article**, to be equipped with a global positioning monitoring system  
 17 as a condition of release on bail.

18 \* \* \*

19 J.**(1)** Crimes of violence. ~~If the defendant has been charged with~~  
 20 **Notwithstanding the provisions of Paragraph G of this Article and**  
 21 **notwithstanding any other provision of law to the contrary, if the defendant is**  
 22 **alleged to have committed** a crime of violence as defined in R.S. 14:2(B), the court  
 23 shall require as a condition of bail that the defendant ~~be prohibited from~~  
 24 ~~communicating, by electronic communication, in writing, or orally, with a victim of~~  
 25 ~~the offense, or with any of the victim's immediate family members while the case is~~  
 26 ~~pending:~~ **refrain from going to the residence or household of the victim, the**  
 27 **victim's school, and the victim's place of employment or otherwise contacting**  
 28 **the victim in any manner whatsoever, and shall refrain from having any further**  
 29 **contact with the victim. The court shall also require as a condition of bail that**  
 30 **the defendant be prohibited from communicating, by electronic communication,**

1 in writing, or orally, with a victim of the offense, or with any of the victim's  
 2 immediate family members. This condition does not apply if the victim consents  
 3 ~~in person or through a communication through the local prosecuting agency~~ by way  
 4 of a request to the court and the court issues an order permitting the  
 5 communication. If an immediate family member of the victim consents ~~in person~~  
 6 ~~or through a communication through the local prosecuting agency,~~ by way of a  
 7 request to the court and the court issues an order permitting the  
 8 communication, then the defendant may contact that person.

9 (2) Notwithstanding the provisions of Paragraph G of this Article and  
 10 notwithstanding any other provision of law to the contrary, if a defendant  
 11 alleged to have committed an offense included in Subparagraph (1) of this  
 12 Paragraph is denied bail or is unable to post bail and is therefore incarcerated  
 13 prior to trial, the court shall nevertheless issue an order under this Paragraph  
 14 prohibiting the defendant from communicating, by electronic communication,  
 15 in writing, or orally, with a victim of the offense, or with any of the victim's  
 16 immediate family members. This condition shall not apply if the victim consents  
 17 by way of a request to the court and the court issues an order permitting the  
 18 communication. If an immediate family member of the victim consents by way  
 19 of a request to the court and the court issues an order permitting the  
 20 communication, then the defendant may contact that person.

21 (3) In all cases, the court shall issue and shall file into the record any  
 22 order issued pursuant to this Paragraph and shall serve the defendant with the  
 23 order by personal service. The court shall also comply with the provisions of  
 24 Paragraph H of this Article.

25 \* \* \*

26 L. Under no circumstances shall any court deny the issuance of a  
 27 protective order pursuant to any provision of this Article on the ground that a  
 28 protective order has already been issued under any other provision of law. Any  
 29 protective order issued pursuant to this Article shall remain in effect for the  
 30 time that the criminal case is pending until sentencing unless the person

1 protected by the protective order moves the court to dissolve the protective  
2 order as to that person and the court grants the motion to dissolve the  
3 protective order as to that person.

4 Art. 321. Types of bail; restrictions

5 \* \* \*

6 C. Any defendant who has been arrested for any of the following offenses  
7 shall not be released on his personal undertaking or with an unsecured personal  
8 surety:

9 \* \* \*

10 (5) R.S. 14:35.3 (domestic abuse battery) **or R.S. 14:34.9 (battery of a**  
11 **dating partner).**

12 (6) R.S. 14:37.7 (domestic abuse aggravated assault) **or R.S. 14:34.9.1**  
13 **(aggravated assault upon a dating partner).**

14 \* \* \*

15 Section 2. R.S. 14:79(A)(3)(c) and (E) are hereby amended and reenacted to read  
16 as follows:

17 §79. Violation of protective orders

18 A. \* \* \*

19 (3) Violation of protective orders shall also include the willful disobedience  
20 of the following:

21 \* \* \*

22 (c) A condition of a parole release **pursuant to R.S. 15:574.4.2(A)(5) or any**  
23 **other condition of parole** which requires that the parolee stay away from any  
24 specific person.

25 \* \* \*

26 E.(1) Law enforcement officers shall use every reasonable means, including  
27 but not limited to immediate arrest of the violator, to enforce a preliminary or  
28 permanent injunction or protective order obtained pursuant to R.S. 9:361, R.S. 9:372,  
29 R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., R.S. 46:2181 et seq.,  
30 Children's Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and

1 3607.1, or Code of Criminal Procedure Articles ~~327.1, 335.1, 335.2, 320~~ and 871.1  
 2 after a contradictory court hearing, or to enforce a temporary restraining order or ex  
 3 parte protective order issued pursuant to R.S. 9:361, R.S. 9:372, R.S. 46:2131 et seq.,  
 4 R.S. 46:2151, R.S. 46:2171 et seq., R.S. 46:2181 et seq., Children's Code Article  
 5 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal  
 6 Procedure ~~Articles 327.1, 335.1, and 335.2~~ **Article 320** if the defendant has been  
 7 given notice of the temporary restraining order or ex parte protective order by service  
 8 of process as required by law.

9 (2) Law enforcement officers shall at a minimum issue a summons to the  
 10 person in violation of a temporary restraining order, a preliminary or permanent  
 11 injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372,  
 12 R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2181 et seq., Children's Code Article  
 13 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal  
 14 Procedure Articles 30, ~~327.1, 335.2~~ **320**, and 871.1.

15 \* \* \*

16 Section 3. R.S. 15:574.4.2(A)(5) is hereby amended and reenacted and R.S.  
 17 15:574.2(A)(6) is hereby enacted to read as follows:

18 §574.4.2. Decisions of committee on parole; nature, order, and conditions of parole;  
 19 rules of conduct; infectious disease testing

20 A. \* \* \*

21 **(5)(a) If the offender has been convicted of a crime of violence as defined**  
 22 **in R.S. 14:2 committed upon any person, any felony sex offense as defined in**  
 23 **R.S. 46:1844(W) committed upon any person, any felony human**  
 24 **trafficking-related offense as defined in R.S. 46:1844(W) committed upon any**  
 25 **person, or any offense, that is a felony, committed upon a family member,**  
 26 **household member, or dating partner, as those terms are defined by R.S.**  
 27 **46:2132, the committee on parole shall require as a condition of parole that the**  
 28 **offender refrain from going to the residence or household of the victim, the**  
 29 **victim's school, and the victim's place of employment or otherwise contacting**  
 30 **the victim in any manner whatsoever, and shall refrain from having any further**

1 contact with the victim. The committee on parole shall also require as a  
2 condition of parole that the offender refrain from communicating, by electronic  
3 communication, in writing, or orally, with a victim of the offense, or with any  
4 of the victim's immediate family members. For the purposes of this Subsection,  
5 "immediate family member" means the spouse, mother, father, aunt, uncle,  
6 sibling, or child of the victim, whether related by blood, marriage, or adoption.  
7 If the victim or an immediate family member of the victim informs the  
8 committee on parole in writing that he does not wish for the committee on  
9 parole to impose the conditions in this Subsection, the committee on parole shall  
10 not impose the conditions in this Subsection as to the person making the written  
11 request. Nothing in this Paragraph shall be construed so as to impair, limit, or  
12 abrogate the authority of the committee on parole to require as a condition of  
13 parole any other protective order or any other restriction under any provision  
14 of law.

15 (b) Prior to the release of the offender on parole, a judge of the court of  
16 conviction shall cause to have prepared a Uniform Abuse Prevention Order, as  
17 provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately  
18 forward it to the clerk of court for filing on the day that the order is issued. The  
19 clerk of the issuing court shall transmit the Uniform Abuse Prevention Order  
20 to the Judicial Administrator's Office, Louisiana Supreme Court, for entry into  
21 the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A), by  
22 facsimile transmission or direct electronic input as expeditiously as possible, but  
23 no later than the end of the next business day after the order is filed with the  
24 clerk of court. The clerk of the issuing court shall also send a copy of the  
25 Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any  
26 modification thereof, to the chief law enforcement officer of the parish where  
27 the person or persons protected by the order reside by facsimile transmission  
28 or direct electronic input as expeditiously as possible, but no later than the end  
29 of the next business day after the order is filed with the clerk of court. A copy  
30 of the Uniform Abuse Prevention Order shall be retained on file in the office of

1 the chief law enforcement officer until otherwise directed by the court.

2 (6) If parole is revoked for any reason, all good time earned or any additional  
3 credits earned or which could have been earned on that portion of the sentence  
4 served prior to the granting of parole shall be forfeited, and the parolee shall serve  
5 the remainder of the sentence as of the date of release on parole.

6 \* \* \*

7 Section 4. R.S. 46:1846(A) and (C) and 2132(4) are hereby amended and reenacted  
8 to read as follows:

9 §1846. Communication between offender and victim prohibited; exceptions

10 A. A person who has been charged by bill of information or indictment with  
11 any crime of violence as defined in R.S. 14:2 committed upon any person, any  
12 felony sex offense as defined in R.S. 46:1844(W) committed upon any person,  
13 any felony human trafficking-related offense as defined in R.S. 46:1844(W)  
14 committed upon any person, or any offense, that is a felony, committed upon a  
15 family member, household member, or dating partner, as those terms are defined by  
16 R.S. 46:2132, or any immediate family member of such person, shall be prohibited  
17 from communicating, either by electronic communication, in writing, or orally, with  
18 a victim of the offense, or any of his immediate family members for which the  
19 person has been charged or for which disposition of the case is pending.

20 \* \* \*

21 C. A person who has been sentenced or found not guilty by reason of  
22 insanity for a crime of violence as defined in R.S. 14:2 committed upon any  
23 person, any felony sex offense as defined in R.S. 46:1844(W) committed upon  
24 any person, any felony human trafficking-related offense as defined in R.S.  
25 46:1844(W) committed upon any person, or any offense, that is a felony,  
26 committed upon a family member, household member, or dating partner, as those  
27 terms are defined by R.S. 46:2132, or any immediate family member of such person,  
28 shall be prohibited from communicating, either by electronic communication, in  
29 writing, or orally, with a victim of the offense, or any of his immediate family  
30 members, for which the person has been sentenced unless the victim or his

1 immediate family members initiate the communication through the Department of  
 2 Public Safety and Corrections, and it is agreed that the victim and the offender  
 3 participate in a formally defined restorative justice program administered through the  
 4 department. Any sentencing order issued pursuant to this Subsection shall be  
 5 reflected in the sentencing minutes of the issuing court. The issuing court shall  
 6 notify the Department of Public Safety and Corrections of the issuance of the  
 7 sentencing order.

8 \* \* \*

9 §2132. Definitions

10 As used in this Part:

11 \* \* \*

12 (4) "Family members" means spouses, former spouses, parents and children,  
 13 stepparents, stepchildren, foster parents, and foster children. "Household members"  
 14 means any person presently or formerly living in the same residence with the  
 15 defendant and who is involved or has been involved in a sexual or intimate  
 16 relationship with the defendant ~~and who is seeking protection under this Part~~, **or any**  
 17 **child presently or formerly living in the same residence with the defendant, or**  
 18 **any child of the defendant regardless of where the child resides.** "Dating partner"  
 19 means any person protected from violence under R.S. 46:2151 ~~who is seeking~~  
 20 ~~protection under this Part~~. If a parent or grandparent is being abused by an adult  
 21 child, adult foster child, or adult grandchild, the provisions of this Part shall apply  
 22 to any proceeding brought in district court.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2020 Regular Session  
HOUSE BILL NO. 189  
BY REPRESENTATIVE WILFORD CARTER

# ACT No. 252

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AN ACT

To amend and reenact Code of Criminal Procedure Article 521(A), relative to pretrial motions; to provide relative to the time period within which pretrial motions are required to be filed; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 521(A) is hereby amended and reenacted to read as follows:

Art. 521. Time for filing of pretrial motions

A. Pretrial motions shall be made or filed within ~~fifteen~~ thirty days after ~~arraignment~~ receipt of initial discovery, unless a different time is provided by law or fixed by the court ~~at arraignment~~ upon a showing of good cause why ~~fifteen~~ thirty days is inadequate.

\* \* \*

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2020 Regular Session  
HOUSE BILL NO. 421

# ACT No. 267

BY REPRESENTATIVE BROWN AND SENATOR BARROW

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AN ACT

To amend and reenact R.S. 22:1573(F) and Code of Criminal Procedure Article 331(I) and to enact Code of Criminal Procedure Article 311(6) and (7), 331(J) and (K), and R.S. 22:1587, relative to bail enforcement agents; to provide for discharge of bail obligation; to define bail enforcement and bail enforcement agent; to provide for continuing education requirements; to provide for possession of a firearm by a bail enforcement agent; to establish penalties for violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 331(I) is hereby amended and reenacted and Code of Criminal Procedure Article 311(6) and (7) and 331(J) and (K) are hereby enacted to read as follows:

Art. 311. Definitions

For the purpose of this Title, the following definitions shall apply:

\* \* \*

(6) Bail enforcement is the apprehension or surrender by a natural person of a principal who is released on bail or who has failed to appear at any stage of the proceedings to answer the charge before the court in which the principal may be prosecuted.

(7) A bail enforcement agent is a licensed bail agent who engages in the apprehension or surrender by a natural person of a principal who is released on bail or who has failed to appear at any stage of the proceedings to answer the charge before the court in which the principal may be prosecuted.

\* \* \*

1 Art. 331. Discharge of bail obligation

2 \* \* \*

3 I. In all cases and by operation of law, during the period of time declared by  
4 the governor to be a statewide public health emergency due to COVID-19, the time  
5 period for the appearance or surrender of a defendant is interrupted. The surety's  
6 opportunity to resolve a failure to appear by surrendering, constructively  
7 surrendering, or otherwise satisfying the bail obligation is automatically extended for  
8 one hundred eighty days following the declared end of the state of emergency or  
9 from the date of proper notice of a failure to appear to the defendant, surety agent  
10 and surety, whichever is later, without need for the filing of any motion.  
11 Additionally, a surety may file a motion in the criminal court of records seeking  
12 additional time to surrender a defendant citing specific circumstances related to  
13 COVID-19 and pertaining to the defendant in the criminal matter.

14 J. In cases which were continued by the court during the time period  
15 declared by the governor to be a statewide public health emergency due to  
16 COVID-19, it is required that notice of any new date be provided to the defendant  
17 or his duly appointed agent and his personal surety or the commercial surety or the  
18 agent or bondsman who posted the bail undertaking for the commercial surety in  
19 accordance with Code of Criminal Procedure Article 330(D).

20 † K. The court shall order the bail obligation canceled when there is no  
21 further liability thereon.

22 Section 2. R.S. 22:1573(F) is hereby amended and reenacted and R.S. 22:1587 is  
23 hereby enacted to read as follows:

24 §1573. Continuing education requirements

25 \* \* \*

26 F. For bail bond producers, the continuing education requirement for renewal  
27 of license shall be twelve hours of approved bail underwriting instruction. At least  
28 six of the hours shall be dedicated to matters related to bail enforcement as defined  
29 in Code of Criminal Procedure Article 311.

30 \* \* \*

1           §1587. Possession of a firearm; permit required

2                   A. Any bail enforcement agent who carries a concealed firearm is subject to  
3           the concealed handgun permit requirements of this state as provided in R.S.  
4           40:1379.3.

5                   B.(1) Any person or entity that violates the provisions of Subsection A of  
6           this Section shall be subject to the penalties provided for in R.S. 40:1379.3.

7                   (2)(a) In addition to any imprisonment or fine imposed pursuant to Paragraph  
8           (1) of this Subsection, the person or entity shall forfeit and surrender to the  
9           commissioner the person's or entity's license to transact insurance business in this  
10          state upon finality of the conviction.

11                   (b) The person or entity that has forfeited a license pursuant to Subparagraph  
12          (a) of this Paragraph shall be precluded for a period of three years thereafter from  
13          obtaining any license to transact insurance business in this state.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2020 Regular Session  
HOUSE BILL NO. 759  
BY REPRESENTATIVE MARINO

# ACT No. 285

1 AN ACT

2 To enact Code of Criminal Procedure Article 958, relative to suspension of time limitations  
3 in declared disaster, emergency, or public health emergency; to provide relative to  
4 the authority of the supreme court to suspend certain time periods, limitations, and  
5 delays during a declared disaster, emergency, or public health emergency; to provide  
6 for the authority to terminate and to extend the suspension period; to provide for  
7 certain exceptions; to provide relative to the application of other provisions of law  
8 regarding suspension and interruption of time periods, limitations, and delays; to  
9 provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Code of Criminal Procedure Article 958 is hereby enacted to read as  
12 follows:

13 Art. 958. Suspension of time limitations in declared disaster, emergency, or public  
14 health emergency

15 A. Notwithstanding any provision of law to the contrary, if the governor has  
16 declared a disaster or emergency pursuant to the provisions of R.S. 29:721 et seq. or  
17 a public health emergency pursuant to R.S. 29:760 et seq., the supreme court is  
18 authorized to issue an order, or series of orders as it determines to be necessary and  
19 appropriate, that shall have the full force and effect of suspending all time periods,  
20 limitations, and delays pertaining to the initiation, continuation, prosecution, defense,  
21 appeal, and post-conviction relief of any prosecution of any state or municipal  
22 criminal, juvenile, wildlife, or traffic matter within the state of Louisiana including  
23 but not limited to any such provisions in the Code of Criminal Procedure, the

1           Children's Code, and Titles 14, 15, 32, 40, and 56 of the Louisiana Revised Statutes  
2           of 1950, or in any other provision of Louisiana law, for a determinate period of thirty  
3           days except as otherwise provided by this Article.

4                   B. The thirty-day period provided for in this Article shall commence to run  
5                   from the date the supreme court issues the order or from a particular date specified  
6                   by the supreme court in the order, whichever is earlier.

7                   C. The thirty-day period provided in Paragraph A of this Article may be  
8                   extended by further order of the supreme court for additional successive periods with  
9                   each period not exceeding thirty days.

10                   D. The period of suspension authorized by the provisions of this Article shall  
11                   terminate upon order of the supreme court or upon termination of the declared  
12                   disaster, emergency, or public health emergency, whichever is earlier.

13                   E. The provisions of this Article shall not apply to Code of Criminal  
14                   Procedure Articles 230.1, 230.2, and 232 and Children's Code Articles 624 and 819.

15                   F. Nothing in this Article shall be construed to negate or impair the  
16                   application of any other provision of law regarding the suspension or interruption of  
17                   time periods, limitations, or delays.

18           Section 2. This Act shall become effective upon signature by the governor or, if not  
19           signed by the governor, upon expiration of the time for bills to become law without signature  
20           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
21           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
22           effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 384

BY SENATOR REESE

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AN ACT

To amend and reenact Code of Criminal Procedure Art. 718.1(A) and (B) and R.S. 14:107.4(D) and (E), relative to the crime of unlawful posting of criminal activity for notoriety and publicity; to provide relative to access to evidence of the crime; to provide relative to the disposition of evidence of the crime; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 718.1(A) and (B) are hereby amended and reenacted to read as follows:

Art. 718.1. Evidence of obscenity, video voyeurism, ~~or~~ pornography involving juveniles, **or unlawful posting of criminal activity for notoriety and publicity**; prohibition on reproduction of pornography involving juveniles

A. In any criminal proceeding, any property or material that is alleged to constitute evidence of obscenity as defined in R.S. 14:106(A)(2) that is unlawfully possessed, video voyeurism as defined in R.S. 14:283, ~~or~~ pornography involving juveniles as defined in R.S. 14:81.1, **or unlawful posting of criminal activity for notoriety and publicity as defined in R.S. 14:107.4**, shall remain in the care, custody, and control of the investigating law enforcement agency, the court, or the district attorney.

B. Notwithstanding any other provision of law to the contrary, the court shall deny any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that is alleged to constitute evidence of obscenity as defined in R.S. 14:106(A)(2) that is unlawfully possessed, video voyeurism as defined in R.S. 14:283, ~~or~~ pornography involving juveniles as defined in R.S. 14:81.1, **or unlawful posting of criminal activity for notoriety and publicity as**

1 defined in R.S. 14:107.4, provided that the district attorney makes the property or  
2 material reasonably available to the defendant.

3 \* \* \*

4 Section 2. R.S. 14:107.4(D) and (E) are hereby amended and reenacted to read as  
5 follows:

6 §107.4. Unlawful posting of criminal activity for notoriety and publicity

7 \* \* \*

8 D. After the institution of prosecution, access to, ~~and the disposition of~~ any  
9 material seized as evidence of this offense shall be in accordance with ~~R.S. 46:1845~~

10 Code of Criminal Procedure Article 718.1.

11 E. Any evidence resulting from the commission of unlawful filming or  
12 recording criminal activity shall be contraband. The court, upon motion of the  
13 district attorney and after a contradictory hearing, may order the destruction  
14 of the contraband after it is determined that it is no longer needed as evidence.  
15 The contraband shall be presumed to be necessary as evidence if an appeal of  
16 the conviction is pending, if the convicted person is pursuing post-conviction  
17 remedies, or if the time for pursuing an appeal or post-conviction remedies has  
18 not expired.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2020 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 2

BY REPRESENTATIVE MAGEE

A CONCURRENT RESOLUTION

To suspend until August 1, 2021, the provisions of Code of Criminal Procedure Article 875.1, relative to the financial obligations of criminal offenders and the court's authority to take certain actions when the offender is unable to pay financial obligations associated with the offense including court costs, fines, fees, and restitution.

WHEREAS, certain provisions of law relative to the financial obligations of criminal offenders were amended and reenacted by Act No. 260 of the 2017 Regular Session of the Legislature with an effective date of August 1, 2018; and

WHEREAS, in the 2018 Regular Session of the Legislature, Act Nos. 137 and 668 delayed the effective date of Act No. 260 of the 2017 Regular Session of the Legislature until August 1, 2019, due to concerns regarding the financial impact of these changes on the Louisiana criminal justice system; and

WHEREAS, in addition to delaying the effective date, Act No. 668 of the 2018 Regular Session of the Legislature made substantive changes to certain provisions in Act No. 260 of the 2017 Regular Session of the Legislature, including Code of Criminal Procedure Article 875.1, with such changes set to become effective on August 1, 2019, which is the same date that the other provisions in Act No. 260 of the 2017 Regular Session of the Legislature were set to become effective; and

WHEREAS, in the 2019 Regular Session of the Legislature, Act No. 253 further delayed the effective date of Act No. 260 of the 2017 Regular Session of the Legislature to August 1, 2021, but inadvertently did not amend the effective date of the changes made to Code of Criminal Procedure Article 875.1 by Act No. 668 of the 2018 Regular Session of the Legislature, and those changes went into effect on August 1, 2019; and

WHEREAS, it was and is the intent of the Louisiana Legislature that the effective date of the changes made to Code of Criminal Procedure Article 875.1 by Act No. 668 of the 2018 Regular Session of the Legislature coincide with the effective date of the changes made to the remaining provisions of Act No. 260 of the 2017 Regular Session of the Legislature, with the exception of Code of Criminal Procedure Articles 883.1 and 894.4 which became effective August 1, 2019.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends the provisions of Code of Criminal Procedure Article 875.1, relative to the financial obligations of criminal offenders and the court's authority to take certain actions when the offender is unable to pay the financial obligations associated with the offense.

BE IT FURTHER RESOLVED that this suspension shall become effective upon adoption of this Resolution and shall extend through August 1, 2021.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE