

2023 Updates to the Louisiana Code of Criminal Procedure

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Art. 211. Summons by officer instead of arrest and booking

A.(1) When it is lawful for a peace officer to arrest a person without a warrant for a misdemeanor, or for a felony charge of theft as defined by R.S. 14:67 or illegal possession of stolen things as provided in R.S. 14:69(B)(4), he may issue a written summons instead of making an arrest if all of the following conditions exist:

(a) The officer has reasonable grounds to believe that the person will appear upon summons.

(b) The officer has no reasonable grounds to believe that the person will cause injury to himself or another or damage to property or will continue in the same or a similar offense unless immediately arrested and booked.

(c) There is no necessity to book the person to comply with routine identification procedures.

(d) If an officer issues a summons for a felony described in this Paragraph, the officer issuing the summons has ascertained that the person has no prior criminal convictions.

(2) In any case in which a summons has been issued, a warrant of arrest may later be issued in its place.

B.(1) When a peace officer has reasonable grounds to believe a person has committed the offense of issuing worthless checks as defined by R.S. 14:71, he may issue a written summons instead of making an arrest if both of the following conditions exist:

(a) He has reasonable grounds to believe that the person will appear upon summons.

(b) He has no reasonable grounds to believe that the person will cause injury to himself or another or damage to property unless immediately arrested.

(2) In any case in which a summons has been issued, a warrant of arrest may later be issued in its place.

C.(1) When a peace officer has reasonable grounds to believe a person has committed an offense of driving without a valid driver's license, whether physical or electronic, in his possession, the officer shall make every practical attempt based on identifying information provided by the person to confirm that the person has been issued a valid driver's license. If the officer determines that the person has been issued a valid driver's license which is not under revocation, suspension, or cancellation, but that the physical or electronic license is not in his possession, the officer shall issue a written summons to the offender in accordance with law, commanding him to appear and answer the charge.

(2) The provisions of this Article shall in no way limit a peace officer from issuing a citation for operating a motor vehicle without possession of a valid driver's license.

D. When a peace officer has reasonable grounds to believe a person has committed an offense of driving with a driver's license that is under revocation, suspension, or cancellation, the officer may use his discretion to make a custodial arrest or issue a written summons to the offender, in accordance with law, commanding him to appear and answer the charge.

E. When the officer has reasonable grounds to believe a person committed the offense of domestic abuse battery, battery of a dating partner, violation of a protective order, stalking, or any other offense involving the use or threatened use of force or a deadly weapon upon the defendant's family members, as defined in R.S. 46:2132, upon the defendant's household member, as defined in R.S. 14:35.3, or upon the defendant's dating partner, as defined in R.S. 46:2151, the officer shall make a custodial arrest.

Amended by Acts 1982, No. 180, §1; Acts 1995, No. 769, §1; Acts 2006, No. 143, §2; Acts 2011, No. 403, §1; Acts 2019, No. 154, §1; Acts 2021, No. 240, §1; Acts 2022, No. 621, §1; Acts 2023, No. 438, §1.

Art. 234. Booking photographs

A. As used in this Article:

(1) "Booking photograph" means a photograph or still, non-video image of an individual generated by a law enforcement agency for identification purposes after arrest or while in the agency's custody.

(2) "Remove-for-pay publication or website" means a publication that requires the payment of a fee or other valuable consideration in order to remove or delete a booking photograph from the publication or which utilizes the publication of booking photographs for profit or to obtain advertising revenue.

B. Except as provided in this Article, a law enforcement officer or agency shall not provide a copy of a booking photograph in any format to a person requesting a copy of that photograph.

C.(1) No law enforcement officer or agency shall publish, release, or disseminate in any format a booking photograph to the public or to a private person or entity unless any of the following occurs:

(a) The individual is a fugitive, and a law enforcement officer or agency determines that releasing or disseminating the booking photograph will assist in apprehending the individual.

(b) A law enforcement officer or agency determines that the individual is an imminent threat to an individual or to public safety and determines that releasing or disseminating the booking photograph will assist in reducing or eliminating the threat.

(c) A judge of a court of competent jurisdiction orders the release or dissemination of the booking photograph based on a finding that the release or dissemination is in furtherance of a legitimate interest.

(d) The individual is convicted of or pleads guilty or nolo contendere to a crime, lesser crime, or lesser included offense as defined in Article 558 in response to the same crime for which he was arrested or if there is criminal litigation related to the same crime that is pending or reasonably anticipated.

(e) The individual is charged with a crime of violence as defined in R.S. 14:2(B), except stalking, or charged with any of the following offenses:

(i) Sex offenses as defined in R.S. 15:541.

(ii) Human trafficking offenses as defined in R.S. 14:46.2 and 46.3.

(iii) Offenses affecting the health and morals of minors, R.S. 14:91 et seq.

(iv) Offenses affecting the health and safety of persons with infirmities, R.S.14:93.3 et seq.

(v) Video voyeurism.

(vi) Cruelty to animals.

(vii) Dogfighting.

(f) The individual is released on a bail undertaking and the law enforcement officer or agency is requested to release or disseminate the booking photograph to the individual's surety agent.

(g) A law enforcement officer or agency determines that releasing or disseminating the booking photograph is necessary for investigative purposes.

(2) Notwithstanding the provisions of Subparagraph (1) of this Paragraph, a law enforcement officer or agency shall provide a copy of a booking photograph to the individual who is the subject of the booking photograph or to the counsel of record for the individual upon request.

(3) A booking photograph published, released, or disseminated by a law enforcement officer or agency, except after the subject of the booking photograph being found guilty or pleading guilty or nolo contendere as provided in Subsubparagraph (1)(d) of this Paragraph, shall include a disclaimer that states "all persons are presumed innocent until proven guilty".

(4) No law enforcement agency or employee thereof shall be subject to civil action or be held liable when the publication, release, or dissemination was made by mistake of fact or error, or was inadvertent and made in good faith.

D. The publication of a booking photograph of a Louisiana resident constitutes minimum contact with the state and by doing so, the party shall be subject to the jurisdiction of Louisiana courts.

E.(1) A remove-for-pay publication or website shall remove and destroy a booking photograph of an individual who submits a request for removal and destruction within seven calendar days from the day that the individual makes the request if both of the following conditions exist:

(a) The individual in the booking photograph was acquitted of the criminal charge or not prosecuted, or the individual had the criminal charge expunged, vacated, or pardoned.

(b) The individual submits, in relation to the request, evidence of a disposition described in Subsubparagraph (a) of this Subparagraph.

(2)(a) A remove-for-pay publication or website shall not require payment for removal or destruction of the booking photograph.

(b) Any remove-for-pay publication or website that seeks any fee or other valuable consideration for the removal or destruction of a booking photograph shall be subject to prosecution under R.S. 14:66.

(3) If the remove-for-pay publication or website does not remove and destroy the booking photograph, the remove-for-pay publication or website shall be liable for all costs, including reasonable attorney fees, resulting from any legal action that the individual brings in relation to the failure of the remove-for-pay publication or remove-for-pay website to remove and destroy the booking photograph.

Acts 2022, No. 494, §2, eff. June 16, 2022; Acts 2023, No. 303, §1.

Art. 388. Additional information provided when prosecuting offenses

A. When instituting the prosecution of an offense involving a violation of any state law or local ordinance, the prosecuting agency, when authorized to provide information, shall include the following information in the indictment, information, or affidavit, if provided by the booking agency:

(1) Date of the offense.

(2) Date of arrest or summons, if a summons was issued in lieu of an arrest.

(3) The state identification number of the defendant, if one has been assigned to the defendant for the offense or for any prior offenses.

(4) Defendant demographic data to include sex, race, and date of birth, if known.

B. The information provided in Paragraph A of this Article may be provided in a separate document submitted with the bill of information, bill of indictment, or summons to the clerk of court.

C. The booking agency shall provide the information provided in Paragraph A of this Article to the prosecuting agency.

D. The clerk of court shall report the information provided in Paragraph A of this Article, along with the disposition and disposition date, to the supreme court.

E. The supreme court is authorized to report the information provided in Paragraph A of this Article, along with the disposition and disposition date, to the Louisiana Bureau of Criminal Identification and Information.

F. Failure to comply with the provisions of this Article shall not constitute grounds for a motion to quash.

Acts 2023, No. 278, §1.

Art. 791. Sequestration of jurors and jury

A. A jury is sequestered by being kept together in the charge of an officer of the court so as to be secluded from outside communication, except as permitted by R.S. 18:1307.2.

B. In capital cases, after each juror is sworn he shall be sequestered, unless the state and the defense have jointly moved that the jury not be sequestered.

C.(1) In noncapital cases, the jury shall be sequestered during active deliberations and may be sequestered at any time upon order of the court.

(2) At any time after the court's charge, and after notice to the parties and affording the parties an opportunity to be heard on the record outside the presence of the jury, the court may declare the deliberations to be in recess and may then direct the jury to suspend its deliberations, to separate without sequestration, and to return for continued deliberations on the next day of operation of the court. Before each recess, the court shall admonish the jury as provided in Subparagraph (3) of this Paragraph and direct it to not resume its deliberations until all twelve jurors have reassembled in the designated place at the termination of the declared recess.

(3)(a) Upon the court's charge to suspend deliberations and to separate without sequestration, the court shall admonish the jury as follows:

(i) Deliberations shall be conducted only in the jury room when all jurors are present. All deliberations shall cease and shall not resume until all of the jurors have returned to the jury room.

(ii) During the recess, jurors shall not converse with any person about anything related to the case.

(iii) Jurors remain under obligation to not request, accept, agree to accept, or discuss with any person regarding the receiving or accepting of any payment or benefit in return for supplying information concerning the trial.

(iv) Jurors shall promptly report directly to the court any incident within their knowledge involving an attempt by any person to improperly influence any member of the jury.

(v) Jurors shall not visit or view the premises or place where the charged crime was allegedly committed or any other premises or place involved in the case.

(vi) Jurors shall not read, view, or listen to any accounts or discussions of the case reported by newspapers, television, radio, the internet, or any other news media outlet.

(vii) Jurors shall not attempt to research any fact, issue, or law related to the case, whether by discussion with others, by research in a library or on the internet, or by any other means or source.

(b) Upon the jurors returning from any recess, the court shall verify with each juror on the record that he followed the admonition.

Amended by Acts 1981, No. 475, §1; Acts 1995, No. 1172, §1; Acts 1995, No. 1277, §1; Acts 2023, No. 75, §1.

Art. 972.1. Expungement of records; local courts

The following courts, throughout their several territorial jurisdictions, shall have authority to expunge records in accordance with this Title:

- (1) District courts and their commissioners within their trial jurisdiction.
 - (2) City or parish courts within their trial jurisdiction.
 - (3) Mayor's courts and traffic courts within their trial jurisdiction.
 - (4) Juvenile and family courts within their trial jurisdiction.
 - (5) Municipal and traffic courts of New Orleans within their trial jurisdiction.
- Acts 2023, No. 90, §1.

Art. 973. Effect of expunged record of arrest or conviction

A. An expunged record of arrest or conviction shall be confidential and no longer considered to be a public record and shall not be made available to any person or other entity except for the following:

(1) To a member of a law enforcement or criminal justice agency or prosecutor who shall request that information in writing, certifying that the request is for the purpose of investigating, prosecuting, or enforcing criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purposes of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:540 et seq.

(2) On order of a court of competent jurisdiction and after a contradictory hearing for good cause shown.

(3) To the person whose record has been expunged or his counsel.

(4) To a member of a law enforcement or criminal justice agency, prosecutor, or judge, who requests that information in writing, certifying that the request is for the purpose of defending a law enforcement, criminal justice agency, or prosecutor in a civil suit for damages resulting from wrongful arrest or other civil litigation and the expunged record is necessary to provide a proper defense.

B. Upon written request therefor and on a confidential basis, the information contained in an expunged record may be released to the following entities that shall maintain the confidentiality of such record: the Office of Financial Institutions, the Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing, the Louisiana State Board of Dentistry, the Louisiana State Board of Examiners of Psychologists, the Louisiana Board of Pharmacy, the Louisiana State Board of Social Work Examiners, the Emergency Medical Services Certification Commission, Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, the Louisiana Supreme Court Committee on Bar Admissions, the Louisiana Department of Insurance, the Louisiana Licensed Professional Counselors Board of Examiners, the Louisiana State Board

of Chiropractic Examiners, or any person or entity requesting a record of all criminal arrests and convictions pursuant to R.S. 15:587.1, or as otherwise provided by law.

C. Except as to those persons and other entities set forth in Paragraph A of this Article, no person whose record of arrest or conviction has been expunged shall be required to disclose to any person that he was arrested or convicted of the subject offense, or that the record of the arrest or conviction has been expunged.

D. Any person who fails to maintain the confidentiality of records as required by the provisions of this Article shall be subject to contempt proceedings.

NOTE: Paragraph E eff. until appropriation of monies by the Legislature. See Acts 2023, No. 454.

E. Nothing in this Article shall be construed to limit or impair in any way the subsequent use of any expunged record of any arrests or convictions by a law enforcement agency, criminal justice agency, or prosecutor including its use as a predicate offense, for the purposes of the Habitual Offender Law, or as otherwise authorized by law.

NOTE: Paragraph E eff. upon appropriation of monies by the Legislature. See Acts 2023, No. 454.

E. Nothing in this Article shall be construed to limit or impair in any way the subsequent use of any expunged record of any arrests or convictions by a judge, magistrate, commissioner, law enforcement agency, criminal justice agency, or prosecutor, including its use as a predicate offense, for the purposes of the Habitual Offender Law, setting bail, sentencing, or as otherwise authorized by law.

F. Nothing in this Article shall be construed to limit or impair the authority of a law enforcement official to use an expunged record of any arrests or convictions in conducting an investigation to ascertain or confirm the qualifications of any person for any privilege or license as required or authorized by law.

G. Nothing in this Article shall be construed to limit or impair in any way the subsequent use of any expunged record of any arrests or convictions by a "news-gathering organization". For the purposes of this Title, "news-gathering organization" means all of the following:

(1) A newspaper, or news publication, printed or electronic, of current news and intelligence of varied, broad, and general public interest, having been published for a minimum of one year and that can provide documentation of membership in a statewide or national press association, as represented by an employee thereof who can provide documentation of his employment with the newspaper, wire service, or news publication.

(2) A radio broadcast station, television broadcast station, cable television operator, or wire service as represented by an employee thereof who can provide documentation of his employment.

H. Nothing in this Article shall be construed to relieve a person who is required to register and provide notice as a child predator or sex offender of any obligations and responsibilities provided in R.S. 15:541 et seq.

Acts 2014, No. 145, §1; Acts 2018, No. 141, §1; Acts 2023, No. 454, §1, see Act.

Art. 977. Motion to expunge a record of arrest and conviction of a misdemeanor offense

A. A person may file a motion to expunge his record of arrest and conviction of a misdemeanor offense if either of the following apply:

(1) The conviction was set aside and the prosecution was dismissed pursuant to Article 894(B) of this Code.

(2) More than five years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole, and the person has not been convicted of any felony offense during the five-year period, and has no felony charge pending against him. The motion filed pursuant to this Subparagraph shall include a certification obtained from the district attorney which verifies that to his knowledge the applicant has no felony convictions during the five-year period and no pending felony charges under a bill of information or indictment.

B. The motion to expunge a record of arrest and conviction of a misdemeanor offense shall be served pursuant to the provisions of Article 979 of this Code.

C. No person shall be entitled to expungement of a record under any of the following circumstances:

(1) The misdemeanor conviction arose from circumstances involving or is the result of an arrest for a sex offense as defined in R.S. 15:541, except that an interim expungement shall be available as authorized by the provisions of Article 985.1 of this Code.

(2) The misdemeanor conviction was for domestic abuse battery.

(3) The misdemeanor conviction was for stalking (R.S. 14:40.2).

D. Notwithstanding any provision of law to the contrary, a person may file a motion to expunge his record of arrest and conviction of a misdemeanor conviction for a first offense possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof after ninety days from the date of conviction.

Acts 2014, No. 145, §1; Acts 2015, No. 151, §1, eff. June 23, 2015; Acts 2015, No. 200, §1; Acts 2020, No. 78, §2; Acts 2023, No. 342, §1.

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

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

B. The nonrefundable processing fees for a court order expunging a record shall be as follows:

(1) The Louisiana Bureau of Criminal Identification and Information may charge a processing fee of two hundred fifty dollars for the expungement of any record of arrest when ordered to do so by the court in compliance with the provisions of this Title.

(2) The sheriff may charge a processing fee of fifty dollars for the expungement of any record of arrest when ordered to do so by the court in compliance with the provisions of this Title.

(3) The district attorney may charge a processing fee of fifty dollars for the expungement of any record of arrest when ordered to do so by the court in compliance with the provisions of this Title.

(4) The clerk of court may charge a processing fee not to exceed two hundred dollars to cover the clerk's costs of the expungement.

C. The clerk of court shall collect all processing fees at the time the motion for expungement is filed.

D.(1) The clerk shall immediately direct the collected processing fee provided for in Subparagraph (B)(1) of this Article to the Louisiana Bureau of Criminal Identification and

Information, and the processing fee amount shall be deposited immediately upon receipt into the Criminal Identification and Information Dedicated Fund Account.

(2) The clerk shall immediately direct the collected processing fees provided for in Subparagraphs (B)(2) and (3) of this Article to the sheriff and the district attorney, and the processing fee amount shall be remitted immediately upon receipt in equal proportions to the office of the district attorney and the sheriff's general fund.

E. The processing fees provided for by this Article are nonrefundable and shall not be returned even if the court does not grant the motion for expungement.

F. An applicant for the expungement of a record shall not be required to pay any fee to the clerk of court, the Louisiana Bureau of Criminal Identification and Information, sheriff, the district attorney, or any other agency to obtain or execute an order of a court of competent jurisdiction to expunge the arrest from the individual's arrest record if a certification obtained from the district attorney is presented to the clerk of court which verifies that the applicant has no felony convictions and no pending felony charges under a bill of information or indictment and at least one of the following applies:

(1) The applicant was acquitted, after trial, of all charges derived from the arrest, including any lesser and included offense.

(2) The district attorney consents, and the case against the applicant was dismissed or the district attorney declined to prosecute the case prior to the time limitations prescribed in Chapter 1 of Title XVII of this Code, and the applicant did not participate in a pretrial diversion program.

(3) The applicant was arrested and was not prosecuted within the time limitations prescribed in Chapter 1 of Title XVII of this Code and did not participate in a pretrial diversion program.

(4) Repealed by Acts 2022, No. 36, §2.

(5) Concerning the arrest record which the applicant seeks to expunge, the applicant was determined by the district attorney to be a victim of a violation of R.S. 14:67.3 (unauthorized use of "access card"), a violation of R.S. 14:67.16 (identity theft), a violation of R.S. 14:70.4 (access device fraud), or a violation of any other crime which involves the unlawful use of the identity or personal information of the applicant.

G. Notwithstanding any other provision of law to the contrary, a juvenile who has successfully completed any juvenile drug court program operated by a court of this state shall be exempt from payment of the processing fees otherwise authorized by this Article.

H. Human trafficking victim request for certification and application for expungement.

(1) An applicant for the expungement of a record of offense who was a victim of human trafficking, in accordance with R.S. 14:46.2, may request a certification from the prosecuting authority that the offense for which the expungement is sought was committed, in substantial part, as the result of the applicant being a victim of human trafficking in accordance with R.S. 14:46.2.

(2) To obtain certification, the applicant has the burden of establishing by a preponderance of the evidence to the prosecuting authority that the offense was committed, in substantial part, as the result of the applicant being a victim of human trafficking in accordance with R.S. 14:46.2.

(3) The certification shall be prima facie evidence that similar eligible crimes committed within other Louisiana jurisdictions during the time period the applicant was a victim of human trafficking were committed, in substantial part, as the result of the applicant being a victim of human trafficking in accordance with R.S. 14:46.2.

(4) All applicable time delays pertaining to expungement provided by Articles 977 and 978 shall be waived when the certification is presented to the clerk of court with the application for expungement.

(5) An applicant for the expungement of a record of offense who was a victim of human trafficking, in accordance with R.S. 14:46.2, shall not be required to pay any fees relative to the application for expungement to the clerk of court, the Louisiana Bureau of Criminal Identification and Information, the sheriff, the district attorney, or any other agency.

(6) Utilization of the process outlined within this Paragraph shall not preclude any applicant from seeking additional expungement to which the applicant may be entitled, in accordance with law.

(7) The Louisiana District Attorneys Association shall annually submit a report to the legislature, no later than February first, that includes the number of applications for, denials of, and approvals of the certification provided for by this Paragraph for the prior year.

I. Notwithstanding any other provision of law to the contrary, a person who was determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8 shall be exempt from payment of the processing fees otherwise authorized by this Article.

J. Notwithstanding any other provision of law to the contrary, a person who has been granted a pardon shall be exempt from payment of the processing fees otherwise authorized by this Article. However, no person granted a first offender pardon pursuant to Article IV, Section 5(E)(1) of the Constitution of Louisiana shall be exempt from payment of the processing fees otherwise authorized by this Article.

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

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

M.(1) Notwithstanding Paragraph B of this Article, the total cost to obtain a court order expunging a record of a misdemeanor conviction for a first offense possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof shall not exceed three hundred dollars. The nonrefundable processing fees for a court order expunging such record shall be as follows:

(a) The Louisiana Bureau of Criminal Identification and Information may charge a processing fee of fifty dollars for the expungement of the record when ordered to do so by the court in compliance with the provisions of this Title.

(b) The sheriff may charge a processing fee of fifty dollars for the expungement of the record when ordered to do so by the court in compliance with the provisions of this Title.

(c) The district attorney may charge a processing fee of fifty dollars for the expungement of the record when ordered to do so by the court in compliance with the provisions of this Title.

(d) The clerk of court may charge a processing fee of one hundred fifty dollars to cover the clerk's costs of the expungement.

(2) The clerk of court shall collect all processing fees at the time the motion for expungement is filed.

(3) The clerk shall immediately direct the collected processing fee provided for in Subsubparagraph (1)(a) of this Paragraph to the Louisiana Bureau of Criminal Identification and

Information, and the processing fee amount shall be deposited immediately upon receipt into the Criminal Identification and Information Dedicated Fund Account.

(4) The clerk shall immediately direct the collected processing fees provided for in Subsubparagraphs (1)(b) and (c) of this Paragraph to the sheriff and the district attorney, and the processing fee amount shall be remitted immediately upon receipt in equal proportions to the office of the district attorney and the sheriff's general fund.

(5) The provisions of this Paragraph shall be null, void, and without effect and shall terminate on August 1, 2026.

Acts 2014, No. 145, §1; Acts 2016, No. 8, §1; Acts 2018, No. 404, §1; Acts 2019, No. 1, §1; Acts 2020, No. 79, §1; Acts 2021, No. 114, eff. July 1, 2022; Acts 2022, No. 36, §§1, 2; Acts 2022, No. 130, §1, eff. May 26, 2022; Acts 2023, No. 342, §1.

NOTE: Article 985.2 eff. upon appropriation of monies by the Legislature. See Acts 2023, No. 454.

Art. 985.2. Automated expungement of qualifying records

A. The Louisiana Bureau of Criminal Identification and Information shall identify within its criminal repository database all records with a Case Management Information System (CMIS) number and final dispositions for individuals eligible for an expungement pursuant to the provisions of Articles 976, 977, and 978.

B. Beginning January 1, 2025, a defendant may submit a request through the Louisiana Bureau of Criminal Identification and Information for expungement through the automated process. The form shall contain the defendant's name, date of birth, last four digits of their social security number, arrest date, and case number. Within thirty days of receipt of the request, the Louisiana Bureau of Criminal Identification and Information shall expunge any eligible records identified in Paragraph A of this Article and shall send the records with a Case Management Information System number and final dispositions to the Louisiana Supreme Court Case Management Information System.

C. Within thirty days of receipt of records from the Louisiana Bureau of Criminal Identification and Information, the Louisiana Supreme Court Case Management Information System shall send notice by United States mail or electronically of all records identified pursuant to Paragraph A of this Article to be expunged by automation to the clerks of the district courts of Louisiana. The clerks of the district courts of Louisiana shall verify and identify such records and mark those records as expunged by automation. If a clerk of a district court is unable to verify and identify any record identified for automatic expungement, the clerk shall notify the Louisiana Supreme Court Case Management Information System within thirty days of receipt of the notice required pursuant to the provisions of this Paragraph, who shall then notify the Louisiana Bureau of Criminal Identification and Information that the record is not expunged by automation.

D. The clerks of the district courts of Louisiana shall send notice by United States mail or electronically of all records expunged by automation to the district attorney of the parish of the person's conviction, the sheriff of the parish of the person's conviction, and the arresting agency. The district attorney, sheriff, and arresting agency shall acknowledge the records as expunged by automation according to Article 973. Nothing in this Paragraph shall be construed to require the arresting agency, booking agency, or the district attorney to manually segregate or sequester upon acknowledging or identifying the records.

E. The Department of Public Safety and Corrections, office of state police, is hereby authorized to adopt and promulgate rules and regulations in accordance with the Administrative Procedure Act to carry out the provisions of this Article for criminal records in district courts of Louisiana which date back to January 1, 2006.

F. Nothing in this Article shall prevent an otherwise eligible individual from obtaining an expungement pursuant to any provision in this Title. An individual eligible for an automated expungement under this Article shall not have a cause of action for any damages resulting from the omission of their records in the process provided by this Article.

G. This Article shall be subject to the appropriate funding necessary for implementation and provided for in the executive budget for Fiscal Year 2025-2026.

Acts 2023, No. 454, §1, see Act.

Art. 986. Forms for the expungement of records

A. Only the forms provided for in Articles 987, 988, 989, 990, 991, 992, 993, 994, 995, and 998 shall be used for filing motions to expunge a record of an arrest which did not result in a conviction, for the expungement of a record of arrest and conviction of a misdemeanor or felony offense, or for an interim motion to expunge a felony offense which resulted in a misdemeanor conviction.

B. Supplemental forms may be added to any petition as long as they adhere to the form provided for in Article 993 of this Code.

C. The clerk of court for any court in the state of Louisiana having criminal jurisdiction may amend any of the forms provided for in Articles 987, 988, 989, 990, 991, 992, 993, 994, 995, and 998 to provide the appropriate name of the court ordering an expungement of records.

Acts 2014, No. 145, §1; Acts 2015, No. 200, §1; Acts 2023, No. 342, §1.

registration and notification pursuant to the provisions of R.S. 15:541 et seq. or as an order of this court to any other person for good cause shown, or as otherwise authorized by law.

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

Respectfully submitted,

Signature of Attorney for Mover/Defendant

Attorney for Mover/Defendant Name

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Mover/Defendant Name

Address

City, State, ZIP Code

Telephone Number

Acts 2023, No. 342, §1.