Louisiana Code of Criminal Procedure 2025, Updated Articles

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Contents

Art. 14.1. Electronic filings

A. Until January 1, 2026, any document in a traffic or criminal action may be transmitted electronically in accordance with a system established by the clerk of court. The clerk of court shall adopt a system for the electronic filing and storage of any pleading, document, or exhibit other than those documents or exhibits introduced and filed at a hearing or trial. Furthermore, in a court that accepts electronic filings in accordance with this Paragraph, the official record shall be the electronic record. A pleading or document filed electronically is deemed filed on the date and time stated on the confirmation of electronic filing sent from the system, if the clerk of court accepts the electronic filing. Public access to electronically filed pleadings and documents shall be in accordance with the rules governing access to written filings.

B. Beginning January 1, 2026, all filings as provided in this Article and all other provisions of this Code filed by an attorney shall be transmitted electronically in accordance with a system established by a clerk of court or by the Louisiana Clerks' Remote Access Authority. The filer shall be responsible for ensuring that private information is not included in filings. No filing shall include the first five digits of any social security number, tax identification numbers, state identification numbers, driver's license numbers, financial account numbers, full dates of birth, or any information protected from disclosure by state or federal law. The clerk of court shall adopt a system for the electronic filing and storage of any pleading, document, or exhibit other than those documents or exhibits introduced and filed at a hearing or trial. Furthermore, in a court that accepts electronic filings in accordance with this Paragraph, the official record shall be the electronic record. A pleading or document filed electronically is deemed filed on the date and time stated on the confirmation of electronic filing sent from the system, if the clerk of court accepts the electronic filing. Public access to electronically filed pleadings and documents shall be in accordance with the rules governing access to written filings.

C. Upon adoption of uniform filing standards by the Louisiana Clerks' Remote Access Authority, no clerk of court shall accept a filing not in accordance with the adopted standards.

Acts 2001, No. 319, §3; Acts 2016, No. 109, §2; Acts 2021, No. 341, §1; Acts 2024, No. 501, §2; Acts 2024, No. 694, §5.

Art. 14.2. Facsimile filings

A. Until January 1, 2026, any document in a traffic or criminal action may be filed with the clerk of court by facsimile transmission pursuant to the policy of the clerk of court. Filing shall be deemed complete at the time that the facsimile transmission is received by the clerk of court. No later than on the first business day after receiving a facsimile filing, the clerk of court shall transmit to the filing party via facsimile a confirmation of receipt and include a statement of the fees for the facsimile filing and filing of the original document. The facsimile filing fee and transmission fee are incurred upon receipt of the facsimile filing by the clerk of court and payable as provided in Paragraph B of this Article. The facsimile filing shall have the same force and effect as filing the original document, if the party complies with Paragraph B of this Article.

B. Within seven days, exclusive of legal holidays, after the clerk of court receives the facsimile filing, all of the following shall be delivered to the clerk of court:

(1) The original document identical to the facsimile filing in number of pages and in content of each page, including any attachments, exhibits, and orders. A document that is not identical to the facsimile filing or that includes pages not included in the facsimile filing shall not be considered the original document.

(2) The fees for the facsimile filing and filing of the original document stated on the confirmation of receipt, if any.

(3) A transmission fee of five dollars, if the defendant has not been declared indigent by the court.

C. If the filing party fails to comply with any of the requirements of Paragraph B of this Article, the facsimile filing shall have no force or effect.

D. A court may provide by court rule for any additional requirement or provisions for filings by facsimile transmission.

E. In keeping with the clerk's policy, each clerk of court shall make available the necessary equipment and supplies to accommodate facsimile filing in criminal actions. Purchases for equipment and supplies necessary to accommodate facsimile filings may be funded from any expense fund of the office of the clerk of court as the clerks deem appropriate.

F. Upon adoption of uniform filing standards by the Louisiana Clerks' Remote Access Authority, no clerk of court shall accept a filing not in accordance with the adopted standards.

Acts 2024, No. 501, §2; Acts 2024, No. 694, §5.

Art. 25.1. Appointment of interpreter

A. The court shall appoint an interpreter in accordance with the Code of Evidence and the Rules of the Louisiana Supreme Court for any person who is a party or witness upon a determination that the person is a limited English proficient or deaf individual.

B. The cost of providing a qualified court interpreter shall be paid out of the appropriate court fund.

Acts 2008, No. 882, §2; Acts 2024, No. 32, §2.

Art. 62. Authority of attorney general; supervision of district attorney

A. The attorney general shall exercise supervision over all district attorneys in the state.

B. The attorney general has authority to institute and prosecute, or to intervene in any proceeding, as he may deem necessary for the assertion or protection of the rights and interests of the state.

C. In any criminal action or proceeding involving a homicidal death, if deemed necessary for the assertion or protection of the rights and interests of the state, and in accordance with the provisions of Article IV, Section 8 of the Constitution of Louisiana, the attorney general may, with the consent of the district attorney, investigate, prosecute or intervene in the action or proceeding.

D. Any pleading containing an allegation of unconstitutionality of a criminal law shall be in writing and served upon the attorney general of the state. Upon proper service, the attorney general shall have thirty days to respond to the allegations or represent or supervise the interests of the state. The attorney general shall have a right to directly appeal adverse rulings to the Supreme Court of Louisiana for supervisory review whether or not the attorney general participated in the underlying proceeding.

Acts 2003, No. 1223, §1; Acts 2024, 2nd Ex. Sess., No. 12, §2.

Art. 234. Booking photographs

A. As used in this Article:

(1) "Booking photograph" means a photograph or still, nonvideo 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 primarily utilizes the publication of booking photographs for profit or to obtain advertising revenue.

B.(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; Acts 2024, No. 281, §1.

Art. 311. Definitions

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

(1) Bail is the security given by a person to assure a defendant's appearance before the proper court whenever required.

(2) An appearance is a personal appearance before the court or the court's designee, where the charges are pending.

(3) A surrender is the detention of the defendant at the request of the surety by the officer originally charged with his detention on the original commitment. When the surety has requested the surrender of the defendant, the officer shall acknowledge the surrender by a certificate of surrender signed by him and delivered to the surety.

(4) A constructive surrender is the detention of the defendant in another parish of the state of Louisiana or a foreign jurisdiction under the following circumstances:

(a) A warrant for arrest has been issued for the defendant in the jurisdiction in which the bail obligation is in place.

(b) The surety has provided proof of the defendant's current incarceration to the court in which the bail obligation is in place, to the prosecuting attorney, and to the officer originally charged with the defendant's detention.

(c) The surety agrees to pay reasonable or actual costs of returning the defendant to the jurisdiction where the warrant for arrest was issued. If the surety fails to pay a set amount of the reasonable or actual costs, the recovery shall be through a summary proceeding against both the principal and the surety, as provided in Code of Civil Procedure Article 2592(4).

(5) A surety's motion and affidavit for issuance of warrant may be filed when the defendant is found incarcerated in a foreign jurisdiction and a warrant has not been issued by the court or in which the bail obligation is in place. In such instances, the surety may file a motion with the court requesting a warrant be issued when the following conditions have been met:

(a) There has been a breach of the bail undertaking.

(b) The surety provides proof of the defendant's current incarceration outside of the state of Louisiana. The defendant's incarceration may be used as evidence of a breach of the bail undertaking.

(c) The defendant did not have written permission from the court to leave the state of Louisiana.

(d) Upon presentation of evidence of the breach of the bail undertaking, the court may issue a warrant for the defendant's violation of the conditions of the bail undertaking.

(e) The surety may then file the constructive surrender in accordance with this Article and Article 331.

(6) A personal surety is a natural person domiciled in the state of Louisiana who owns property in this state that is subject to seizure and is of sufficient value to satisfy, considering all his property, the amount specified in the bail undertaking. The value of the property shall exclude the amount exempt from execution, and shall be over and above all other liabilities including the

amount of any other bail undertaking on which he may be principal or surety. If there is more than one personal surety, then the requirements shall apply to the aggregate value of their property. A personal surety shall not charge a fee or receive any compensation for posting a bail undertaking. A bail undertaking of a personal surety may be unsecured or secured.

(7) 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.

(8) 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.

(9) The originating jurisdiction is the jurisdiction where the warrant for the arrest was issued and where the charges are pending.

(10) The executing jurisdiction is the jurisdiction where the defendant is arrested and incarcerated on a warrant for arrest.

(11) Electronic bond is a commercial bail bond contract executed digitally as security given by a surety to assure a defendant's appearance before the proper court whenever required.

Acts 2016, No. 613, §1, eff. Jan. 1, 2017; Acts 2020, No. 267, §1; Acts 2021, No. 197, §1; Acts 2021, No. 243, §1; Acts 2024, No. 222, §1; Acts 2024, No. 564, §1.

Art. 320. Conditions of bail undertaking

A. Definitions. For the purpose of this Article:

(1) "Firearm" means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle that is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.

(2) "Global positioning monitoring system" means a system that electronically determines and reports the location of an individual by means of an ankle bracelet transmitter or similar device worn by the individual that transmits latitude and longitude data to monitoring authorities through global positioning satellite technology but does not contain or operate any global positioning system technology or radio frequency identification technology or similar technology that is implanted in or otherwise invades or violates the corporeal body of the individual.

(3) "Immediate family member" means the spouse, mother, father, aunt, uncle, sibling, or child of the victim, whether related by blood, marriage, or adoption.

(4) "Informed consent" means that the victim was given information concerning all of the following before consenting to participate in global positioning system monitoring:

(a) The victim's right to refuse to participate in global positioning system monitoring and the process for requesting the court to determine the victim's participation after it has been ordered.

(b) The manner in which the global positioning monitoring system technology functions and the risks and limitations of that technology, and the extent to which the system will track and record the victim's location and movements.

(c) The boundaries imposed on the defendant during the global positioning system monitoring.

(d) Sanctions that the court may impose on the defendant for violating an order issued under this Article.

(e) The procedure that the victim is to follow if the defendant violates an order issued under this Article or if global positioning monitoring system equipment fails.

(f) Identification of support services available to assist the victim to develop a safety plan to use if the court's order issued under this Article is violated or if the global positioning monitoring system equipment fails.

(g) Identification of community services available to assist the victim in obtaining shelter, counseling, education, child care, legal representation, and other help in addressing the consequences and effects of domestic violence or stalking.

(h) The nonconfidential nature of the victim's communications with the court concerning global positioning system monitoring and the restrictions to be imposed upon the defendant's movements.

B. Conditions of bail generally. The condition of the bail undertaking in district, juvenile, parish, and city courts shall be that the defendant will appear at all stages of the proceedings to answer the charge before the court in which he may be prosecuted, will submit himself to the orders and process of the court, and will not leave the state without written permission of the court. The court may impose any additional conditions of release that are reasonably related to assuring the appearance of the defendant before the court and guarding the safety of any other individual or the community.

C. Operating a vehicle while intoxicated. The court shall require as a condition of release on bail that any person who is charged with a second or subsequent violation of R.S. 14:32.1, 39.1, 39.2, 98, 98.6, or a parish or municipal ordinance that prohibits the operation of a motor vehicle while under the influence of alcohol or drugs to install an ignition interlock device on any vehicle which he operates. The defendant shall have fifteen days from the date that he is released on bail to comply with this requirement, and the ignition interlock device shall remain on the vehicle or

vehicles during the pendency of the criminal proceedings. Under exceptional circumstances, the court may waive the provisions of this Article but shall indicate the reasons therefor to the law enforcement agency who has custody of the alleged offender documentation.

D. Pretrial drug testing and screening for substance use disorders.

(1) Every person arrested for a violation of the Uniform Controlled Dangerous Substances Law or a crime of violence as provided in R.S. 14:2(B) shall be required to submit to a pretrial drug test for the presence of designated substances in accordance with the provisions of this Article and rules of court governing such testing. Every person arrested for any other felony may be required to submit to a pretrial drug test for the presence of designated substances in accordance with the provisions of this Article and rules of court governing such testing. Every person arrested for a misdemeanor may be required to submit to a pretrial drug test for the presence of designated substances in accordance with the provisions of this Article and rules of court governing such testing.

(2) Drug testing to determine the presence of any controlled dangerous substance identified in the Uniform Controlled Dangerous Substances Law shall occur within twenty-four hours of the booking of the person, and random testing thereafter may be required to verify that the person is drug free.

(3) All persons testing positive for the presence of one or more substances provided in Subparagraph (2) of this Paragraph shall be clinically screened utilizing a validated screening tool for the purpose of determining whether the person suffers from a substance use disorder and is suitable for a drug or specialty court program.

(4) All persons who receive a positive test result pursuant to the drug testing administered pursuant to Subparagraph (2) of this Paragraph and who are considered suitable for a drug or specialty court program pursuant to the screening process set forth in Subparagraph (3) of this Paragraph shall be subject to the provisions of Article 904.

(5) All records and information provided or obtained pursuant to Subparagraphs (2) and (3) of this Paragraph shall be considered confidential and shall not be, without the consent of the person tested or screened, disclosed to any person who is not connected with the district attorney, counsel for the person tested or screened pursuant to this Paragraph, a treatment professional, or the court. Such records and information shall not be admissible in any civil or criminal action or proceeding, except for the purposes of determining suitability or eligibility of the person for any drug or specialty court program.

(6) The expenses and costs incurred relative to the mandatory drug testing and the screening required by this Paragraph shall be deemed to be an approved purpose for use of opioid funds. If sufficient funds do not exist for the reimbursement of the expenses and costs of mandatory testing and screening, the provisions of Subparagraphs (2) and (3) of this Paragraph may still be enforced at the discretion of the governing authority responsible for funding those provisions.

E. Pretrial drug testing program. The court may implement a pretrial drug testing program. All persons released under the provisions of the pretrial drug testing program shall submit to continued random testing and refrain from the use or possession of any controlled dangerous substance or any substance designated by the court. A pretrial drug testing program shall provide for the following:

(1) All persons testing positive for the presence of one or more of the designated substances set forth in Subparagraph (2) of this Paragraph, who are not otherwise required to participate, shall submit to a pretrial drug testing program.

(2) Drug testing to determine the presence of any controlled dangerous substance identified in the Uniform Controlled Substances Law prior to first court appearance and random testing thereafter to verify that the person is drug free.

(3) Restrictions on the use of any and all test results to ensure that they are used only for the benefit of the court to determine appropriate conditions of release, monitoring compliance with court orders, and assisting in determining appropriate sentences. A form statement shall be signed by the law enforcement agency and the person in custody stipulating that under no circumstances shall the information be used as evidence or as the basis for additional charges.

(4) Reasonable testing procedures to ensure the fair administration of the test and protection for the chain of custody for any evidence obtained.

F. Implementation of pretrial drug testing program. The implementation of any pretrial drug testing program authorized pursuant to the provisions of this Article shall be contingent upon receipt by the court requiring the test of sufficient federal or other funding to conduct the testing program in accordance with the provisions of this Article and any rules of court. No elected official who is in any way connected with the administration of the pretrial drug testing program provided for in this Article, either directly or indirectly, shall have any financial interest, either directly or indirectly, in any drug testing company participating in such pretrial drug testing program. All contracts awarded to any drug testing company authorized to conduct the pretrial drug testing program provided for in this Article shall be awarded in accordance with the provisions governing public bids, R.S. 38:2181 et seq.

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, 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 who is alleged to have committed the offense of unlawful communications under the provisions of R.S. 14:285, or who is alleged to have committed a sexual

assault as defined in R.S. 46:2184, the court shall consider the previous criminal history of the defendant and whether the defendant poses a threat or danger to the victim. If the court determines that the defendant poses such a threat or danger, it shall require as a condition of bail that the defendant refrain from going to the residence or household of the victim, the victim's school, and the victim's place of employment or otherwise contacting the victim in any manner whatsoever, and shall refrain from having any further contact with the victim. The court shall also require as a condition of bail that the defendant be prohibited from communicating, by electronic communication, in writing, or orally, with a victim of the offense or with any of the victim's immediate family members. This condition shall not apply if the victim consents by way of a request to the court and the court issues an order permitting the communication. If an immediate family member of the victim consents by way of a request to the court and the court issues an order permitting the communication, then the defendant may contact that person. The court shall also consider any statistical evidence prepared by the United States Department of Justice relative to the likelihood of such defendant or any person in general who has raped or molested victims under the age of thirteen years to commit sexual offenses against a victim under the age of thirteen in the future.

(2) If the defendant is alleged to have committed any of the offenses included in Subparagraph (1) of this Paragraph and is denied bail or is unable to post bail and is therefore incarcerated prior to trial, the court may issue an order under this Paragraph prohibiting the defendant from communicating, by electronic communication, in writing, or orally, with a victim of the offense, or with any of the victim's immediate family members. This condition shall not apply if the victim consents by way of a request to the court and the court issues an order permitting the communication. If an immediate family member of the victim consents by way of a request to the court and the court issues an order permitting the communication, then the defendant may contact that person.

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

H. Uniform Abuse Prevention Order.

(1) If the court issues any order pursuant to any of the provisions of this Article prohibiting the defendant from contacting or communicating with the victim or the victim's immediate family members, the judge shall cause to have prepared a Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately forward it to the clerk of court for filing, on the next business day after the order is issued. The clerk of the issuing court shall transmit the Uniform Abuse Prevention Order to the judicial administrator's office, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court. The clerk of the issuing court shall also send a copy of the Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any modification thereof, to the chief law enforcement officer of the parish where the person or persons protected by the order reside. A copy of the Uniform

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

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

I. Global positioning monitoring. (1)(a) In addition, the court shall order a defendant who is alleged to have committed the offense of first degree rape under the provisions of R.S. 14:42, and may order a defendant who is alleged to have committed an offense enumerated in Paragraph G or J of this Article, to be equipped with a global positioning monitoring system as a condition of release on bail.

(b) In determining whether to order a defendant, as a condition of release on bail, to participate in global positioning system monitoring, the court shall consider the likelihood that the defendant's participation in global positioning system monitoring will deter the defendant from seeking to harm, injure, or otherwise threaten the victim prior to trial.

(c) The defendant shall be released on bail pursuant to the provisions of this Article only if he agrees to pay the cost of the global positioning monitoring system and monitoring fees associated with the device, or agrees to perform community service in lieu of paying such costs.

(2) If the court orders the defendant to be equipped with a global positioning monitoring system as a condition of release on bail, the court may order the defendant, with the informed consent of the victim, to provide the victim of the charged crime with an electronic receptor device which is capable of receiving the global positioning system information and which notifies the victim if the defendant is located within an established proximity to the victim. The court, in consultation with the victim, shall determine which areas the defendant shall be prohibited from accessing and shall establish the proximity to the victim within which a defendant shall be excluded. In making this determination, the court shall consider a list, provided by the victim, which includes those areas from which the victim desires the defendant to be excluded.

(3) The victim shall be furnished with telephone contact information for the local law enforcement agency in order to request immediate assistance if the defendant is located within that proximity to the victim. The court shall order the global positioning monitoring system provider to program the system to notify local law enforcement if the defendant violates the order. The victim, at any time, may request that the court terminate the victim's participation in the global positioning monitoring system of the defendant. The court shall not impose sanctions on the victim for refusing to participate in global positioning system monitoring provided for in this Paragraph.

(4) In addition to electronic monitoring, the court shall consider house arrest. The conditions of the electronic monitoring and house arrest shall be determined by the court, and may include but are not be limited to limitation of the defendant's activities outside of the home and a curfew.

J.(1) Crimes of violence. Notwithstanding the provisions of Paragraph G of this Article and notwithstanding any other provision of law to the contrary, if the defendant is alleged to have committed a crime of violence as defined in R.S. 14:2(B), the court shall require as a condition of bail that the defendant refrain from going to the residence or household of the victim, the victim's school, and the victim's place of employment or otherwise contacting the victim in any manner whatsoever, and shall refrain from having any further contact with the victim. The court shall also require as a condition of bail that the defendant be prohibited from communicating, by electronic communication, in writing, or orally, with a victim of the offense, or with any of the victim's immediate family members. This condition does not apply if the victim consents by way of a request to the court and the court issues an order permitting the communication. If an immediate family member of the victim consents by way of a request to the court and the court issues an order permitting the communication, then the defendant may contact that person.

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

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

K. Violations. Violation of any condition by the defendant shall be considered as a constructive contempt of court, and shall result in the revocation of bail and issuance of a bench warrant for the defendant's arrest or remanding the defendant to custody. The court may also modify bail by either increasing the amount of bail or adding additional conditions of bail.

L. Under no circumstances shall any court deny the issuance of a protective order pursuant to any provision of this Article on the ground that a protective order has already been issued under any other provision of law. Any protective order issued pursuant to this Article shall remain in effect for the time that the criminal case is pending until sentencing unless the person protected by the protective order moves the court to dissolve the protective order as to that person and the court grants the motion to dissolve the protective order as to that person.

Acts 1993, No. 834, §1, eff. June 22, 1993; Acts 2016, No. 613, §1, eff. Jan. 1, 2017; Acts 2017, No. 90, §2; Acts 2020, No. 246, §1; Acts 2024, 2nd Ex. Sess., No. 4, §1, eff. July 1, 2024.

Art. 328. Bail undertaking

A. The bail undertaking shall:

(1) Be in writing.

(2) State the court before which the defendant is bound to appear.

(3) Be entered into before an officer who is authorized to take it.

(4) State a single amount of bail for each charge.

B. The bail undertaking shall be enforceable if the above requirements are met; and no officer may refuse to accept the posting of a bail undertaking and releasing a defendant on bail if the conditions set by this Title are met. A person shall not be discharged from his bail undertaking, nor shall a judgment of forfeiture be stayed, set aside, or reversed, nor the collection of any such judgment be barred or defeated by reason of any defect of form, omission of a recital, or of a condition of the undertaking, by reason of a failure to note or record the default of any defendant or surety, or because of any other irregularity. The bail undertaking shall run, subject to the provisions of Article 626, in favor of the state of Louisiana, or the city or parish whose ordinance is charged to have been violated, with the proceeds to be disposed of according to law. No error, inaccuracy, or omission in naming the obligee on the bail undertaking is a defense to an action thereon.

C.(1) An electronic bond may be executed in a parish where the sheriff has electronic bond software in place. Agents may be approved by the sheriff to execute an electronic bond. A licensed bail bond producer applying for electronic bond authority may make an application to the sheriff and shall be domiciled and maintain a principal place of business in this state and possess a Louisiana bail bond producer license for at least three years preceding the date of application.

(2) The approving sheriff authority may require any documents deemed necessary to verify the information contained in the application.

Acts 1993, No. 834, §1, eff. June 22, 1993; Acts 2016, No. 613, §1, eff. Jan. 1, 2017; Acts 2024, No. 564, §1.

Art. 335. Rule to show cause; bond forfeiture

If the defendant fails to make an appearance and has not been surrendered or constructively surrendered within one hundred eighty days of the execution of the certificate that notice of warrant for arrest was sent, the prosecuting attorney may file a rule to show cause requesting that a bond forfeiture judgment be rendered. The rule to show cause shall be mailed to the defendant and served on all other parties against whom a judgment is sought. The rule to show cause shall be set for a contradictory hearing. The time period for filing a rule to show cause to obtain a judgment of bond forfeiture shall be within five years after the notice of warrant for arrest is sent.

Acts 1993, No. 834, §1, eff. June 22, 1993; Acts 2016, No. 613, §1, eff. Jan. 1, 2017; Acts 2024, No. 221, §1.

Art. 389. Information to be provided to supreme court; daily reports

A. Beginning on January 1, 2025, the clerk of court for each judicial district shall provide a daily electronic submission to the Louisiana Supreme Court containing the data elements enumerated in Article 388(A), as well as the date of initiation of prosecution, the date of adjudication, and the number of days from initiation of prosecution to adjudication for all criminal cases. The Louisiana Supreme Court shall include a summary of this information, broken down by judicial district, in its annual report.

B. The data required by Paragraph A of this Article shall be recorded and reported to the Louisiana Supreme Court in a standard format and practice as directed by the court.

Acts 2024, No. 724, §1.

Art. 390. Burden of proof; justification of self-defense raised; probable cause

A. In any criminal proceeding in which the justification of self-defense is raised pursuant to R.S. 14:19 or 20, the state shall have the burden to prove beyond a reasonable doubt that the defendant did not act in self-defense.

B. Any defendant intending to assert the justification of self-defense pursuant to R.S. 14:19 or 20 shall provide written notice to the district attorney within ten days after the state has moved for discovery under Article 724. Thereafter, the court may, for good cause shown, allow a defendant to provide such notice at any time before the commencement of the trial.

C. A peace officer shall consider evidence of self-defense in accordance with R.S. 14:19 or 20 when determining if probable cause exists to conduct an arrest.

Acts 2024, No. 729, §2.

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

A. Except as otherwise provided in this Article:

(1) The jury commission of each parish shall consist of the clerk of court or a deputy clerk designated by him in writing to act in his stead in all matters affecting the jury commission, and

four other members, each having the qualifications set forth in Article 401 and appointed by written order of the district court, who shall serve at the court's pleasure.

(2) Before entering upon their duties, members of the jury commission shall take an oath to discharge their duties faithfully.

(3) Three members of the jury commission shall constitute a quorum.

(4) Meetings of the jury commission shall be open to the public.

B. In the parish of East Baton Rouge the function of the jury commission shall be performed by the judicial administrator of the Nineteenth Judicial District Court or by a deputy judicial administrator designated by him in writing to act in his stead in all matters affecting the jury commission. The judicial administrator or his designated deputy shall have the same powers, duties and responsibilities, and be governed by those provisions of law as presently pertain to jury commissioners which are applicable, including the taking of an oath to discharge their duties faithfully. The clerk of court of the parish of East Baton Rouge shall perform the duties and responsibilities otherwise imposed upon him by law with respect to jury venires, shall coordinate the jury venire process, and shall receive the compensation generally authorized for a jury commissioner.

C. In Orleans Parish, the jury commission shall be appointed by the judges en banc of the Criminal District Court of the parish of Orleans, and the jury commissioners shall serve at the pleasure of the court.

D. In the parish of Lafourche, the function of the jury commission may be performed by the clerk of court of the parish of Lafourche or by a deputy clerk of court designated by him in writing to act in his stead in all matters affecting the jury commission. The clerk of court or his designated deputy shall have the same powers, duties, and responsibilities, and shall be governed by applicable provisions of law pertaining to jury commissioners. The clerk of court of the parish of Lafourche shall perform the duties and responsibilities otherwise imposed upon him by law with respect to jury venires, shall coordinate the jury venire process, and shall receive the compensation generally authorized for a jury commissioner.

E. In the parish of Terrebonne, the function of the jury commission shall be performed by the clerk of court of Terrebonne Parish or by a deputy clerk of court designated by him in writing to act in his stead in all matters affecting the jury commission. The clerk of court or his designated deputy shall have the same powers, duties, and responsibilities, and shall be governed by all applicable provisions of law pertaining to jury commissioners. The clerk of court of Terrebonne Parish shall perform the duties and responsibilities otherwise imposed upon him by law with respect to jury venires, shall coordinate the jury venire process, and shall receive the compensation generally authorized for a jury commissioner.

F. In the parish of St. Charles, the function of the jury commission shall be performed by the clerk of court of St. Charles Parish or by a deputy clerk of court designated by him in writing to act in his stead in all matters affecting the jury commission. The clerk of court or his designated

deputy shall have the same powers, duties, and responsibilities, and shall be governed by all applicable provisions of law pertaining to jury commissioners. The clerk of court of St. Charles Parish shall perform the duties and responsibilities otherwise imposed upon him by law with respect to jury venires, shall coordinate the jury venire process, and shall receive the compensation generally authorized for a jury commissioner.

G. In the parishes of East Feliciana and West Feliciana, the function of the jury commission shall be performed by the clerks of court of East Feliciana Parish and West Feliciana Parish or by a deputy clerk of court designated by the respective clerk in writing to act in his stead in all matters affecting the jury commission. The clerk of court or his designated deputy shall have the same powers, duties, and responsibilities, and shall be governed by all applicable provisions of law pertaining to jury commissioners. The clerks of court of East Feliciana Parish and West Feliciana Parish shall perform the duties and responsibilities otherwise imposed upon him by law with respect to jury venires, shall coordinate the jury venire process, and shall receive the compensation generally authorized for a jury commissioner.

H. In the parishes of Caldwell, Claiborne, DeSoto, Franklin, Red River, Union, and Webster, the function of the jury commission shall be performed by the clerks of court of Caldwell Parish, Claiborne Parish, DeSoto Parish, Franklin Parish, Red River Parish, Union Parish, and Webster Parish or by a deputy clerk of court designated by the respective clerk in writing to act in his stead in all matters affecting the jury commission. The clerk of court or his designated deputy shall have the same powers, duties, and responsibilities and shall be governed by all applicable provisions of law pertaining to jury commissioners. The clerks of court of Caldwell Parish, Claiborne Parish, DeSoto Parish, Franklin Parish, Red River Parish, Union Parish, and Webster Parish shall perform the duties and responsibilities otherwise imposed upon him by law with respect to jury venires, shall coordinate the jury venire process, and shall receive the compensation generally authorized for a jury commissioner.

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

J. In the parishes of Ascension, Assumption, Jackson, and St. James, the function of the jury commission shall be performed by the clerks of court of Ascension Parish, Assumption Parish, Jackson Parish, and St. James Parish or by a deputy clerk of court designated by the respective clerk in writing to act in his stead in all matters affecting the jury commission. The clerk of court or his designated deputy shall have the same powers, duties, and responsibilities and shall be governed by all applicable provisions of law pertaining to jury commissioners. The clerks of court of Ascension Parish, Assumption Parish, Jackson Parish, and St. James Parish shall perform the duties and responsibilities otherwise imposed upon him by law with respect to jury venires, shall

coordinate the jury venire process, and shall receive the compensation generally authorized for a jury commissioner.

Amended by Acts 1975, No. 259, §1; Acts 1993, No. 632, §1; Acts 2007, No. 94, §1; Acts 2013, No. 100, §1; Acts 2013, No. 156, §1; Acts 2016, No. 232, §1; Acts 2017, No. 104, §1; Acts 2018, No. 417, §1; Acts 2020, No. 97, §1; Acts 2021, No. 84, §1; Acts 2024, No. 40, §1; Acts 2024, No. 108, §1.

Art. 433. Persons present during grand jury sessions

A.(1) Only the following persons may be present at the sessions of the grand jury:

(a) The district attorney and assistant district attorneys or any one or more of them.

(b) The attorney general and assistant attorneys general or any one or more of them.

(c) The witness under examination.

(d) A person sworn to record the proceedings of and the testimony given before the grand jury.

(e) An interpreter sworn to translate the testimony of a witness who is a limited English proficient or deaf individual.

(2) An attorney for a target of the grand jury's investigation may be present during the testimony of the target. The attorney shall be prohibited from objecting, addressing, or arguing before the grand jury; however, the attorney may consult with his client at any time. The court shall remove the attorney for a violation of these conditions. If a witness becomes a target because of his testimony, the legal advisor to the grand jury shall inform the witness of his right to counsel and cease questioning until the witness has obtained counsel or voluntarily and intelligently waived his right to counsel. Any evidence or testimony obtained under the provisions of this Subparagraph from a witness who later becomes a target shall not be admissible in a proceeding against him.

B. No person, other than a grand juror, shall be present while the grand jury is deliberating and voting.

C. A person who is intentionally present at a meeting of the grand jury, except as authorized by Paragraph A of this Article, shall be in constructive contempt of court.

Amended by Acts 1972, No. 409, §1; Acts 1986, No. 725, §1; Acts 1992, No. 308, §1; Acts 1999, No. 865, §1; Acts 2024, No. 32, §2.

Art. 571. Crimes for which there is no time limitation

There is no time limitation upon the institution of prosecution for any crime for which the punishment may be death or life imprisonment or for the crime of forcible or second degree rape (R.S. 14:42.1) or molestation of a juvenile or a person with a physical or mental disability (R.S. 14:81.2).

Amended by Acts 1984, No. 926, §1; Acts 2001, No. 207, §1; Acts 2015, No. 184, §6; Acts 2024, No. 698, §1.

Art. 571.1. Time limitation for certain sex offenses

Except as provided by Article 572, the time within which to institute prosecution of the following sex offenses, regardless of whether the crime involves force, serious physical injury, death, or is punishable by imprisonment at hard labor shall be thirty years: attempted first degree rape, also formerly titled aggravated rape (R.S. 14:27, R.S. 14:42), attempted second degree rape, also formerly titled forcible rape (R.S. 14:27, R.S. 14:42.1), sexual battery (R.S. 14:43.1), second degree sexual battery (R.S. 14:43.2), oral sexual battery (R.S. 14:43.3), human trafficking (R.S. 14:46.2(B)(2) or (3)), trafficking of children for sexual purposes (R.S. 14:46.3), felony carnal knowledge of a juvenile (R.S. 14:80), indecent behavior with juveniles (R.S. 14:81), pornography involving juveniles (R.S. 14:81.1), prostitution of persons under eighteen (R.S. 14:82.1), enticing persons into prostitution (R.S. 14:86), crime against nature (R.S. 14:89), aggravated crime against nature (R.S. 14:89.1), crime against nature by solicitation (R.S. 14:89.2(B)(3)) that involves a victim under eighteen years of age. This thirty-year period begins to run when the victim attains the age of eighteen.

Acts 1993, No. 592, §1, eff. June 15, 1993; Acts 2001, No. 207, §1; Acts 2001, No. 533, §1; Acts 2003, No. 809, §1, eff. July 1, 2003; Acts 2004, No. 676, §3; Acts 2005, No. 186, §1; Acts 2012, No. 446, §5; Acts 2014, No. 602, §2, eff. June 12, 2014; Acts 2016, No. 41, §1; Acts 2022, No. 202, §2; Acts 2024, No. 698, §1.

Art. 572. Limitation of prosecution of noncapital offenses

A. Except as provided in Articles 571 and 571.1, no person shall be prosecuted, tried, or punished for an offense not punishable by death or life imprisonment, unless the prosecution is instituted within the following periods of time after the offense has been committed:

(1) Six years, for a felony necessarily punishable by imprisonment at hard labor.

(2) Four years, for a felony not necessarily punishable by imprisonment at hard labor.

(3) Two years, for a misdemeanor punishable by a fine, or imprisonment, or both.

(4) Six months, for a misdemeanor punishable only by a fine or forfeiture.

B.(1) Notwithstanding the provisions of Article 571.1 and Paragraph A of this Article, prosecutions for any sex offense may be commenced beyond the time limitations set forth in this Title if the identity of the offender is established after the expiration of such time limitation through the use of a DNA profile or newly discovered photographic or video evidence.

(2) A prosecution under the exception provided by this Paragraph shall be commenced within three years from the date on which the identity of the suspect is established by DNA testing or by the use of newly discovered photographic or video evidence.

(3) For purposes of this Article, "DNA" means deoxyribonucleic acid, which is located in cells and provides an individual's personal genetic blue print and which encodes genetic information that is the basis of human heredity and forensic identification.

(4) This Paragraph shall have retroactive application to crimes committed prior to June 20, 2003.

C. Upon expiration of the time period in which a prosecution may be instituted, any bail bond applicable to that prosecution which bond has not been forfeited shall also expire, and all obligations of that bail undertaking shall be extinguished as a matter of law.

Amended by Acts 1984, No. 926, §1; Acts 2001, No. 207, §1; Acts 2003, No. 487, §2, eff. June 20, 2003; Acts 2003, No. 809, §1, eff. July 1, 2003; Acts 2006, No. 123, §1, eff. June 2, 2006; Acts 2024, 2nd Ex. Sess., No. 3, §1, eff. March 5, 2024.

Art. 573.4. Running of time limitations; exception; third degree rape

The time limitations established by Article 572 shall not commence to run as to the crime of third degree rape (R.S. 14:43) until the crime is discovered by the victim.

Acts 2024, No. 557, §1.

Art. 582. Time limitations; effect of new trial

A. When a defendant obtains a new trial through a motion for new trial, appeal, post conviction relief, or any other mechanism provided in state or federal law, or when there is a mistrial, the state shall commence the second trial within one year from the date that the new trial is granted, or the mistrial is ordered, or within the period established by Article 578, whichever is longer.

B. If the state seeks review of the granting of the new trial, the period of limitations in this Article shall not commence to run until the judgment granting the new trial has become final by the state exhausting all avenues of review in the appropriate appellate courts, including the Louisiana Supreme Court.

Acts 2024, N0. 207, §1, eff. May 23, 2024.

Art. 611. Venue; trial where offense committed

A. All trials shall take place in the parish where the offense has been committed, unless the venue is changed. If acts constituting an offense or if the elements of an offense occurred in more than one place, in or out of the parish or state, the offense is deemed to have been committed in any parish in this state in which any such act or element occurred.

B. If the offender is charged with any criminal homicide enumerated in R.S. 14:29 or any other crime involving the death of a human being and it cannot be determined where the offense or the elements of the offense occurred, the offense is deemed to have been committed in the parish where the body of the victim was found.

C. If the offender is charged with any of the following offenses, the offense is deemed to have been committed either in the parish where the offense occurred or where the victim resides:

(1) R.S. 14:67.16, identity theft.

(2) R.S. 14:70.4, access device fraud.

(3) R.S. 14:70.8, illegal transmission of monetary funds.

(4) R.S. 14:71.1, bank fraud.

(5) R.S. 14:72, forgery.

(6) R.S. 14:72.2, monetary instrument abuse.

D.(1) If the offender is charged with the crime of accessory after the fact, the offense is deemed to have been committed either in the parish where the principal felony was committed or in the parish where any act or element constituting the basis for the accessory after the fact prosecution occurred.

(2) If the offender is charged with the crime of obstruction of justice, the offense is deemed to have been committed either in the parish of the underlying actual or potential present, past, or future criminal proceeding or investigation or in the parish where any act or element constituting the basis for the obstruction of justice prosecution occurred.

E. If the offender is charged with a violation of R.S. 14:110, the offense is deemed to have been committed in either of the following:

(1) The parish of the court that ordered or sentenced home incarceration, confinement, or any other legal restraint.

(2) The parish where any act or element occurs in violation of R.S. 14:110.

Acts 2004, No. 379, §1; Acts 2006, No. 158, §1; Acts 2017, No. 164, §1, eff. June 12, 2017; Acts 2018, No. 125, §1; Acts 2024, No. 263, §1.

Art. 657. Discharge or release; hearing

After considering the report or reports filed pursuant to Articles 655 and 656, the court may either continue the commitment or hold a contradictory hearing to determine whether the committed person no longer has a mental illness as defined by Article 657.3 and can be discharged, or can be released on probation, without danger to others or to himself as defined by R.S. 28:2. At the hearing, the burden shall be upon the state to seek continuance of the confinement by proving by clear and convincing evidence that the committed person currently has a mental illness and is dangerous, except as provided in Article 657.3. After the hearing, and upon filing written findings of fact and conclusions of law, the court may order the committed person discharged, released on probation subject to specified conditions for a fixed or an indeterminate period, or recommitted to the state mental institution. A copy of the judgment and order containing the written findings of fact and conclusions of law shall be forwarded to the administrator of the forensic facility. Notice to the counsel for the committed person and the district attorney of the contradictory hearing shall be given at least thirty days prior to the hearing.

Acts 1992, No. 398, §1; Acts 1993, No. 700, §1; Acts 2017, No. 369, §5; Acts 2024, No. 43, §1.

Art. 657.3. Active supervised release for dangerous but not mentally ill committed persons

A. Notwithstanding any other provision of law to the contrary, the state may seek active supervised release by the Department of Public Safety and Corrections, office of probation and parole, of a committed person based upon the committed person's continued dangerousness even if the committed person does not have a mental illness as defined by this Article, if both of the following conditions are satisfied:

(1) The committed person was found not guilty by reason of insanity for any of the following offenses or attempts to commit any of them:

(a) Any crime punishable by death or by life imprisonment.

(b) Any crime that is either a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S. 15:541.

(2) The state proves by clear and convincing evidence that the committed person is dangerous to others or dangerous to himself as defined by R.S. 28:2. In satisfying its burden of proof, the state may not rely solely upon the nature of the crime for which the committed person was found not guilty by reason of insanity and may not rely solely upon the diagnosis of any personality disorder.

B. Upon satisfaction of the criteria for active supervised release provided in Paragraph A of this Article and consideration of any report filed pursuant to Articles 655 and 656, the court shall order the committed person to be placed on active supervised release with any special conditions recommended to the court as well as any conditions of probation provided in Article 895 et seq. for a period not to exceed three years. Such period may be extended in three-year increments upon motion of the district attorney and proof that the committed person still satisfies the criteria for active supervised release under this Article. Under no circumstances shall a committed person who is on active supervised release pursuant to this Article be subject to a probation period that is longer than the maximum term that the committed person would have received if the committed person had been convicted of the offense.

C. When the committed person is placed on active supervised release, the clerk of court shall deliver a certificate to him setting forth the conditions of his release. The committed person shall be required to agree in writing to the conditions of his release.

D. When the committed person has violated or is suspected of violating the conditions of his release, the committed person may be arrested and detained pursuant to Article 899.

E. Nothing in this Article shall be construed as abrogating or negating any other provision of this Chapter or any other provision of law relative to the continued commitment, discharge, or conditional release of a person committed pursuant to Article 654.

F. For the purposes of this Title, "mental illness" means a psychiatric disorder which has substantial adverse effects on a person's ability to function and requires care and treatment. It does not refer to a person with, solely, an intellectual disability, or who suffers solely from epilepsy or a substance-related or addictive disorder.

Acts 2024, No. 43, §1.

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

A.(1)(a) When it appears that the best interest of the public and of the defendant will be served, the court, after a first, second, or third conviction of a noncapital felony, may suspend, in whole or in part, the imposition or execution of either or both sentences, where suspension is allowed under the law, and in either or both cases place the defendant on probation under the supervision of the division of probation and parole. The court shall not suspend the sentence of a second or third conviction of R.S. 14:73.5. Except as provided in Paragraphs H and I of this Article, the period of probation shall be specified and shall not be more than five years.

(b) The court shall not suspend the sentence of a second or third conviction of R.S. 14:81.1 or 81.2. If the court suspends the sentence of a first conviction of R.S. 14:81.1 or 81.2, the period of probation shall be specified and shall not be more than five years.

(2) The court shall not suspend the sentence of a conviction for an offense that is designated in the court minutes as a crime of violence pursuant to Article 890.3, except a first conviction for an offense with a maximum prison sentence of ten years or less that was not committed against a family member or household member as defined by R.S. 14:35.3, or dating partner as defined by R.S. 46:2151. The period of probation shall be specified and shall not be more than five years.

(3) The suspended sentence shall be regarded as a sentence for the purpose of granting or denying a new trial or appeal.

(4) Supervised release as provided for by Chapter 3-E of Title 15 of the Louisiana Revised Statutes of 1950 shall not be considered probation and shall not be limited by the five-year period for probation provided for by the provisions of this Paragraph.

B.(1) Notwithstanding any other provision of law to the contrary, when it appears that the best interest of the public and of the defendant will be served, the court, after a fourth or subsequent conviction of a noncapital felony may suspend, in whole or in part, the imposition or execution of the sentence upon consent of the district attorney.

(2) After a third or fourth conviction of operating a vehicle while intoxicated pursuant to R.S. 14:98, the court may suspend, in whole or in part, the imposition or execution of the sentence when the defendant was not offered such alternatives prior to his fourth conviction of operating a vehicle while intoxicated and the following conditions exist:

(a) The district attorney consents to the suspension of the sentence.

(b) The court orders the defendant to do any of the following:

(i) Enter and complete a program provided by the drug division of the district court pursuant to R.S. 13:5301 et seq.

(ii) Enter and complete an established driving while intoxicated court or sobriety court program.

(iii) Enter and complete a mental health court program established pursuant to R.S. 13:5351 et seq.

(iv) Enter and complete a Veterans Court program established pursuant to R.S. 13:5361 et seq.

(v) Enter and complete a reentry court program established pursuant to R.S. 13:5401.

(vi) Reside for a minimum period of one year in a facility which conforms to the Judicial Agency Referral Residential Facility Regulatory Act, R.S. 40:2851 et seq.

(vii) Enter and complete the Swift and Certain Probation Pilot Program established pursuant to R.S. 13:5371 et seq.

(c) The defendant does not meet the requirements set forth in Paragraph F of this Article.

(3) When suspension is allowed under this Paragraph, the defendant shall be placed on probation under the supervision of the division of probation and parole. If the defendant has been sentenced to complete a specialty court program as provided in Subsubparagraph (2)(b) of this Paragraph, the defendant may be placed on probation under the supervision of a probation office, agency, or officer designated by the court, other than the division of probation and parole of the Department of Public Safety and Corrections. The period of probation shall be specified and shall not be more than five years, except as provided in Paragraph H of this Article. The suspended sentence shall be regarded as a sentence for the purpose of granting or denying a new trial or appeal.

C. If the sentence consists of both a fine and imprisonment, the court may impose the fine and suspend the sentence or place the defendant on probation as to the imprisonment.

D. Except as otherwise provided by law, the court shall not suspend a felony sentence after the defendant has begun to serve the sentence.

E.(1)(a) When it appears that the best interest of the public and of the defendant will be served, the court may defer, in whole or in part, the imposition of a sentence after conviction of a first offense noncapital felony under the conditions set forth in this Paragraph. When a conviction is entered under this Paragraph, the court may defer the imposition of sentence and place the defendant on probation under the supervision of the division of probation and parole.

(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 ten years or for a violation of R.S. 40:966(A), 967(A), 968(A), 969(A), or 970(A).

(2) Upon motion of the defendant, if the court finds at the conclusion of the probationary period that the probation of the defendant has been satisfactory, the court may set the conviction aside and dismiss the prosecution. The dismissal of the prosecution shall have the same effect as acquittal, except that the conviction may be considered as a first offense and provide the basis for subsequent prosecution of the party as a habitual offender except as provided in R.S. 15:529.1(C)(3). The conviction may be considered as a prior offense for purposes of any other law or laws relating to cumulation of offenses. Dismissal under this Paragraph shall occur only twice with respect to any person.

(3)(a) When a case is accepted into a drug court division probation program pursuant to the provisions of R.S. 13:5304 and at the conclusion of the probationary period the court finds that the defendant has successfully completed all conditions of probation, the court with the concurrence of the district attorney may set aside the conviction and dismiss prosecution, whether the defendant's sentence was suspended under Paragraph A of this Article or deferred under Subparagraph (1) of this Paragraph. The dismissal of prosecution shall have the same effect as an acquittal, except that the conviction may be considered as a first offense and provide the basis for subsequent prosecution of the party as a habitual offender except as provided in R.S. 15:529.1(C)(3). The conviction may be considered as a prior offense for purposes of any other law or laws relating to cumulation of offenses.

(b) The court may extend the provisions of this Paragraph to any person who has previously successfully completed a drug court program and satisfactorily completed all other conditions of probation.

(c) Dismissal under this Paragraph shall have the same effect as an acquittal for purposes of expungement under the provisions of Title XXXIV of this Code and may occur only twice with respect to any person.

(4) When a defendant, who has been committed to the custody of the Department of Public Safety and Corrections to serve a sentence in the intensive incarceration program pursuant to the provisions of Article 895(B)(3), has successfully completed the intensive incarceration program as well as successfully completed all other conditions of parole or probation, and if the defendant is otherwise eligible, the court with the concurrence of the district attorney may set aside the conviction and dismiss prosecution, whether the defendant's sentence was suspended under Paragraph A of this Article or deferred under Subparagraph (1) of this Paragraph. The dismissal of prosecution shall have the same effect as an acquittal, except that the conviction may be considered as a first offense and provide the basis for subsequent prosecution of the party as a habitual offender except as provided in R.S. 15:529.1(C)(3). The conviction may be considered as a prior offense for purposes of any other law or laws relating to cumulation of offenses. Dismissal under this Subparagraph shall have the same effect as an acquittal for purposes of expungement under the provisions of Title XXXIV of this Code and may occur only twice with respect to any person.

F.(1) Notwithstanding any other provision of law to the contrary, when it appears that the best interest of the public and of the defendant will be served, after the conviction of a defendant considered suitable for a drug or specialty court program pursuant to Article 904, the court may suspend, in whole or in part, the imposition or execution of the sentence when all of the following conditions are met:

(a) The district attorney consents to the suspension of sentence.

(b) There is an available drug or specialty court program recognized by the Louisiana Supreme Court.

(c) The court orders the defendant to enter and complete any drug or specialty court program recognized by the Louisiana Supreme Court.

(2) If the district attorney does not consent to the suspension of the sentence, the district attorney shall file his objection with written reasons into the record.

(3) If the district attorney files an objection into the record, or if the court determines that a specialty court program is not available for the defendant, the court may sentence the defendant to any sentence provided for the offense by law.

(4) When suspension of sentence is allowed pursuant to this Paragraph, the defendant may be placed on probation under the supervision of the division of probation and parole, or under the supervision of a probation office, agency, or officer designated by the court. The period of probation shall be specified and shall not exceed three years, except as provided in Paragraph H of this Article. The suspended sentence shall be regarded as a sentence for the purpose of granting or denying a motion for new trial or appeal.

(5) Upon motion of the defendant, if the court finds at the conclusion of the probationary period that the probation of the defendant has been satisfactory, the court may set the conviction aside and dismiss the prosecution. The dismissal of the prosecution shall have the same effect as an acquittal, except that the conviction may be considered as a first offense and provide the basis for a subsequent prosecution of the party as a habitual offender, except as provided in R.S. 15:529.1(C)(3). The conviction also may be considered as a prior offense for purposes of any other provision of law relating to cumulation of offenses. Dismissal pursuant to this Paragraph shall occur only once with respect to any person.

G. Nothing contained in this Section shall be construed as being a basis for destruction of records of the arrest and prosecution of any person convicted of a felony.

H. If the court, with the consent of the district attorney, orders a defendant to enter and complete a program provided by the drug division of the district court pursuant to R.S. 13:5301, an established driving while intoxicated court or sobriety court program, a mental health court program established pursuant to R.S. 13:5351 et seq., a Veterans Court program established pursuant to R.S. 13:5361 et seq., a reentry court established pursuant to R.S. 13:5401, or the Swift and Certain Probation Pilot Program established pursuant to R.S. 13:5371, the court may place the defendant on probation for a period of not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the five-year limit. The period of probation as initially fixed or as extended shall not exceed eight years.

I.(1) If a defendant is placed on supervised probation, the division of probation and parole shall submit to the court a compliance report when requested by the court, or when the division of probation and parole considers it necessary to have the court make a determination with respect to modification of terms or conditions of probation, termination of probation, revocation of probation, or other purpose proper under any provision of law.

(2) For purposes of this Paragraph:

(a) "Compliance" means the full completion of the terms and conditions of probation as imposed by the sentencing judge.

(b) "Compliance report" means a report generated and signed by the division of probation and parole that contains clear and concise information relating to the defendant's performance and may contain a recommendation as to early termination.

(3) After a review of the compliance report, if it is the recommendation of the division of probation and parole that the defendant is in compliance with the conditions of probation, in accordance with the compliance report, the court may terminate probation at such time as "satisfactorily completed", absent a showing of cause for a denial.

(4) Notwithstanding the provisions of Article 897(A), the court may terminate probation at any time as "satisfactorily completed" upon the final determination that the defendant is in compliance with the terms and conditions of probation.

(5) If the court determines that the defendant has failed to successfully complete the terms and conditions of probation, the court may extend the probation for a period not to exceed two years for the purpose of allowing the defendant additional time to complete the terms of probation, additional conditions, the extension of probation, or the revocation of probation.

(6) Absent extenuating circumstances, the court shall, within ten days of receipt of the compliance report, make an initial determination as to the issues presented and shall transmit the decision to the probation officer. The court shall disseminate the decision to the defendant, the division of probation and parole, and the prosecuting agency within ten days of receipt. The parties shall have ten days from receipt of the initial determination of the court to seek an expedited contradictory hearing for the purpose of challenging the court's determination. If no challenge is made within ten days, the court's initial determination shall become final and shall constitute a valid order of the court.

Amended by Acts 1994, 3rd Ex. Sess., No. 100, §1; Acts 1994, 3rd Ex. Sess., No. 123, §1; Acts 1995, No. 990, §1; Acts 1995, No. 1251, §4; Acts 1996, 1st Ex. Sess., No. 5, §1, eff. April 23, 1996; Acts 1997, No. 696, §1; Acts 2001, No. 403, §5 eff. June 15, 2001; Acts 2001, No. 1206, §3; Acts 2006, No. 242, §2; Acts 2006, No. 581, §1; Acts 2008, No. 104, §1; Acts 2009, No. 168, §1; Acts 2010, No. 801, §2, eff. June 30, 2010; Acts 2015, No. 199, §1; Acts 2016, No. 509, §1; Acts 2016, No. 676, §2, eff. June 17, 2016; Acts 2017, No. 280, §1, eff. Nov. 1, 2017; Acts 2018, No. 508, §1; Acts 2018, No. 668, §2; Acts 2019, No. 386, §2; Acts 2020, No. 70, §1; Acts 2021, No. 61, §1; Acts 2022, No. 615, §2; Acts 2024, 2nd Ex. Sess., No. 4, §1, eff. July 1, 2024; Acts 2024, 2nd Ex. Sess., No. 8, §1, eff. April 29, 2024; Acts 2024, No. 648, §1.

Art. 895.6. Repealed by Acts 2024, 2nd Ex. Sess., No. 7, §2.

Art. 897. Termination of probation or suspended sentence; discharge of defendant

A. In a felony case, other than for a conviction of operating a vehicle while intoxicated, vehicular homicide, or first degree vehicular negligent injuring, the court may terminate the defendant's probation, early or as unsatisfactory, and discharge him at any time after the expiration of one year of probation when either of the following occur:

(1) The state has previously provided written verification that it has no opposition to the termination of the probation.

(2) A contradictory hearing with the state, set by the court, has been held. The court shall provide notice of the hearing to the state at least fifteen days prior to the hearing date.

B. In a misdemeanor case, other than for a conviction of vehicular negligent injuring, the court may terminate the defendant's suspended sentence or probation and discharge him at any time when all of the following conditions are met:

(1) The termination or discharge is ordered in open court.

(2) The state is present at the time the termination or discharge is ordered and has been afforded an opportunity to participate in a contradictory hearing on the matter.

Acts 2014, No. 275, §1; Acts 2024, No. 648, §1.

Art. 899.1. Administrative sanctions for technical violations

A. At the time of sentencing, the court may make a determination as to whether a defendant is eligible for the imposition of administrative sanctions as provided in this Article. If authorized to do so by the sentencing court, each time a defendant violates a condition of his probation, a probation agency may use administrative sanctions to address a technical violation committed by a defendant when all of the following occur:

(1) The defendant, after receiving written notification of the right to a hearing before a court and the right to counsel provides a written waiver of a probation violation hearing.

(2) The defendant admits to the violation or affirmatively chooses not to contest the violation alleged in the probation violation report.

(3) The defendant consents to the imposition of administrative sanctions by the Department of Public Safety and Corrections.

B. The department shall promulgate rules to implement the provisions of this Article to establish the following:

(1) A system of structured, administrative sanctions which shall be imposed for technical violations of probation and which shall take into consideration the following factors:

(a) The severity of the violation behavior.

(b) The prior violation history.

(c) The severity of the underlying criminal conviction.

(d) The criminal history of the probationer.

(e) Any special circumstances, characteristics, or resources of the probationer.

(f) Protection of the community.

(g) Deterrence.

(h) The availability of appropriate local sanctions, including but not limited to jail, treatment, community service work, house arrest, electronic surveillance, restitution centers, work release centers, day reporting centers, or other local sanctions.

(2) Procedures to provide a probationer with written notice of the right to a probation violation hearing to determine whether the probationer violated the conditions of probation alleged in the violation report and the right to be represented by counsel at state expense at that hearing if financially eligible.

(3) Procedures for a probationer to provide written waiver of the right to a probation violation hearing, to admit to the violation or affirmatively choose not to contest the violation alleged in the probation violation report, and to consent to the imposition of administrative sanctions by the department.

(4) The level and type of sanctions that may be imposed by probation officers and other supervisory personnel.

(5) The level and type of violation behavior that warrants a recommendation to the court that probation be revoked.

(6) Procedures notifying the probationer, the district attorney, the defense counsel of record, and the court of probation of a violation admitted by the probationer and the administrative sanctions imposed.

(7) Such other policies and procedures as are necessary to implement the provisions of this Article and to provide adequate probation supervision.

C. If the administrative sanction imposed pursuant to the provisions of this Article is jail confinement, the confinement shall not exceed ten days per violation and shall not exceed a total of sixty days per year.

D. For purposes of this Article, "technical violation" means any violation of a condition of probation, except for an allegation of a subsequent criminal act. Notwithstanding any provision of law to the contrary, if the subsequent alleged criminal act is misdemeanor possession of marijuana or tetrahydrocannabinol, or chemical derivatives thereof, as provided in R.S. 40:966(E)(1), it shall be considered a "technical violation".

Acts 2011, No. 104, §2; Acts 2014, No. 633, §1; Acts 2017, No. 280, §1, eff. November 1, 2017; Acts 2024, 2nd Ex. Sess., No. 8, §1.

Art. 899.2. Repealed by Acts 2024, 2nd Ex. Sess., No. 8, §3.

Art. 900. Violation hearing; sanctions

A. After an arrest pursuant to Article 899, the court shall cause a defendant who continues to be held in custody to be brought before it within thirty days for a hearing. If a summons is issued pursuant to Article 899, or if the defendant has been admitted to bail, the court shall set the matter for a violation hearing within a reasonable time. The hearing may be informal or summary. The defendant may choose, with the court's consent, to appear at the violation hearing and stipulate the revocation by simultaneous audio-visual transmission in accordance with the provisions of Article 562. If the court decides that the defendant has violated, or was about to violate, a condition of his probation, it may:

(1) Reprimand and warn the defendant.

(2) Order that supervision be intensified.

(3) Add additional conditions to the probation.

(4) Order the defendant, as an additional condition of probation, to be committed to a community rehabilitation center operated by, or under contract with, the Department of Public Safety and Corrections for a period of time not to exceed six months, without benefit of parole or good time, if:

(a) There is bed space available.

(b) The offender has been sentenced to the department, and the sentence has been suspended pursuant to Article 893.

(c) Such commitment does not extend the period of probation beyond the maximum period of probation provided by law.

(d) The violation of probation did not involve the commission of another felony.

(e) The placement in a community rehabilitation center is recommended by the division of probation and parole.

(5) Order that the probation be revoked. In the event of revocation the defendant shall serve the sentence suspended, with or without credit for the time served on probation at the discretion of the court. If the imposition of sentence was suspended, the defendant shall serve the sentence imposed by the court at the revocation hearing.

(6)(a) Notwithstanding the provisions of Subparagraph (5) of this Paragraph, any defendant who has been placed on probation by the drug division probation program pursuant to R.S. 13:5304, and who has had his probation revoked under the provisions of this Article for a technical violation of drug division probation as determined by the court, may be ordered to be committed to the custody of the Department of Public Safety and Corrections and be required to serve a sentence of not more than twelve months without diminution of sentence in the intensive incarceration program pursuant to the provisions of R.S. 15:574.4.4. Upon successful completion of the program, the defendant shall return to active, supervised probation with the drug division probation program for a period of time as ordered by the court, subject to any additional conditions imposed by the court and under the same provisions of law under which the defendant was originally sentenced. If an offender is denied entry into the intensive incarceration program for physical or mental health reasons or for failure to meet the department's suitability criteria, the department shall notify the sentencing court for resentencing in accordance with the provisions of Article 881.1.

(b) Notwithstanding the provisions of Subparagraph (5) of this Paragraph, any defendant who has been placed on probation by the court for the conviction of an offense other than a crime of violence as defined in R.S. 14:2(B) or of a sex offense as defined by R.S. 15:541, and who has been determined by the court to have committed a technical violation of his probation, may be required to serve a sentence of not more than ninety days without diminution of sentence.

(c) The defendant shall be given credit for time served prior to the revocation hearing for time served in actual custody while being held for a technical violation in a local detention facility, state institution, or out-of-state institution pursuant to Article 880. The term of the revocation for a technical violation shall begin on the date the court orders the revocation. Upon completion of the imposed sentence for the technical revocation, the defendant shall return to active and supervised probation for a period equal to the remainder of the original period of probation subject to any additional conditions imposed by the court. The provisions of this Subparagraph shall apply only to the defendant's first revocation for a technical violation.

(d) A "technical violation", as used in this Paragraph, means any violation of a condition of probation that may be addressed by an administrative sanction authorized by the court pursuant to Article 899.1.

(e) None of the following, unless deemed a technical violation by the court when its discretion is permitted, shall be considered a technical violation nor addressed by administrative sanctions:

(i) Being arrested for, charged with, or convicted of any of the following:

(aa) A felony.

(bb) A violation of any provision of Title 40 of the Louisiana Revised Statutes of 1950, except for misdemeanor possession of marijuana or tetrahydrocannabinol, or chemical derivatives thereof, as provided in R.S. 40:966(C)(2), which shall be considered a "technical violation".

(cc) Any intentional misdemeanor directly affecting the person.

(dd) Any criminal act that is a violation of a protective order, pursuant to R.S. 14:79, issued against the offender to protect a family member or household member as defined by R.S. 14:35.3 or dating partner as defined by R.S. 46:2151.

(ee) At the discretion of the court, any attempt to commit any intentional misdemeanor directly affecting the person.

(ff) At the discretion of the court, any attempt to commit any other misdemeanor.

(ii) Being in possession of a firearm or other prohibited weapon.

(iii) At the discretion of the court, failing to appear at any court hearing.

(iv) Absconding from the jurisdiction of the court.

(v) At the discretion of the court, failing to satisfactorily complete a drug court program if ordered to do so as a special condition of probation.

(vi) At the discretion of the court, failing to report to the probation officer for more than one hundred twenty consecutive days.

(7) Extend the period of probation, provided the total amount of time served by the defendant on probation for any one offense shall not exceed the maximum period of probation provided by law.

B. When a defendant has been committed to a community rehabilitation center pursuant to Subparagraph (A)(4) of this Article, upon written request of the department that an offender be removed for violating the rules or regulations of the community rehabilitation center, the court shall cause the defendant to be brought before it and order that probation be revoked with credit for the time served in the community rehabilitation center.

C. The department may pay a per diem for offenders placed in a community rehabilitation center pursuant to the provisions of Subparagraph (A)(4) of this Article.

D. When a court considers the revocation of probation, the court shall consider aggravating and mitigating circumstances in the case, including but not limited to the circumstances stated in Article 894.1. If the court revokes the probation of the defendant, the court shall issue oral or written reasons for revocation which shall be entered into the record. The oral or written reasons for revocation shall state the allegations made by the probation officer concerning a violation or threatened violation of the conditions of probation, the findings of the court concerning those allegations, the factual basis or bases for those findings, and the aggravating circumstances, or mitigating circumstances, or both, considered by the court.

Amended by Acts 1979, No. 90, §1; Acts 1991, No. 96, §1; Acts 1995, No. 335, §1; Acts 1997, No. 1323, §1; Acts 2006, No. 113, §1; Acts 2007, No. 402, §1; Acts 2009, No. 182, §1; Acts 2010, No. 352, §1; Acts 2011, No. 33, §1; Acts 2014, No. 271, §1; Acts 2014, No. 633, §1; Acts 2016, No. 213, §1; Acts 2017, No. 280, §1, eff. November 1, 2017; Acts 2017, No. 406, §1; Acts 2018, No. 668, §2; Acts 2024, 2nd Ex. Sess., No. 8, §1.

Art. 904. Mandatory assessment; suitability of defendant for drug or specialty court program

A. A defendant shall be assessed for suitability for participation in a drug or specialty court program if all of the following criteria are met:

(1) The defendant meets the statutory eligibility requirements for participation in a drug or specialty court program.

(2) There is a relationship between the use of alcohol or drugs and the offense before the court.

(3) The defendant has tested positive on a drug test and has been screened and determined suitable pursuant to Article 320(D), or the defendant has been screened and determined suitable upon request of the defendant or as ordered by the court.

B.(1) A defendant who meets the criteria set forth in Paragraph A of this Article shall be assessed by a licensed treatment professional designated by the court. Treatment professionals shall be credentialed or licensed by the state of Louisiana and possess sufficient experience in working with clients who have alcohol or drug abuse or addiction issues or mental illness.

(2) The designated treatment professional shall perform an assessment of the defendant, utilizing validated assessment tools, to determine whether the defendant is suitable for a treatment program and shall report the results of the assessment and evaluation to the court, the district attorney, the defendant, and counsel for the defendant along with a recommendation as to whether or not the defendant is suitable for a drug or specialty court program.

(3) The court shall inform the defendant that the designated treatment professional may request that the defendant provide the following information to the court:

(a) Information regarding prior criminal charges.

(b) Education, work experience, and training.

(c) Family history, including residence in the community.

(d) Medical and mental health history, including any psychiatric or psychological treatment or counseling.

(e) Any other information reasonably related to the success of the treatment program.

C.(1) All records and information provided by the defendant to the designated treatment professional for the purposes of screening or assessment shall be considered confidential and shall not be disclosed, without the consent of the defendant, to any person who is not connected with the treatment professional, treatment facility, district attorney, counsel for the defendant, or the court.

(2) The provisions of Subparagraph (1) of this Paragraph shall not restrict the use of records and information for the purposes of research or evaluation of the mandatory screening procedures or the effectiveness of any drug or specialty court program, provided that the records or information shall not be published or otherwise disseminated in any manner that discloses the name or identifying information of the defendant.

D. No statement or any information obtained therefrom, that is made to any designated treatment professional with respect to a specific offense with which the defendant is charged, shall be admissible in any civil or criminal action or proceeding, except for the purposes of determining the suitability or eligibility of the defendant for a drug or specialty court program.

Acts 2024, 2nd Ex. Sess., No. 4, §1, eff. July 1, 2024.

Art. 926.1. Application for DNA testing

A.(1) Prior to August 31, 2030, a person convicted of a felony may file an application under the provisions of this Article for post-conviction relief requesting DNA testing of an unknown sample secured in relation to the offense for which the person was convicted. On or after August

31, 2030, a petitioner may request DNA testing under the rules for filing an application for post-conviction relief as provided in Article 930.4 or 930.8.

(2) Notwithstanding the provisions of Subparagraph (1) of this Paragraph, in cases in which the defendant has been sentenced to death prior to August 15, 2001, the application for DNA testing under the provisions of this Article may be filed at any time.

B. An application filed under the provisions of this Article shall comply with the provisions of Article 926 and shall allege all of the following:

(1) A factual explanation of why there is an articulable doubt, based on competent evidence whether or not introduced at trial, as to the guilt of the petitioner in that DNA testing will resolve the doubt and establish the innocence of the petitioner.

(2) The factual circumstances establishing the timeliness of the application.

(3) The identification of the particular evidence for which DNA testing is sought.

(4) That the applicant is factually innocent of the crime for which he was convicted, in the form of an affidavit signed by the petitioner under penalty of perjury.

C. In addition to any other reason established by legislation or jurisprudence, and whether based on the petition and answer or after contradictory hearing, the court shall dismiss any application filed pursuant to this Article unless it finds all of the following:

(1) There is an articulable doubt based on competent evidence, whether or not introduced at trial, as to the guilt of the petitioner and there is a reasonable likelihood that the requested DNA testing will resolve the doubt and establish the innocence of the petitioner. In making this finding the court shall evaluate and consider the evidentiary importance of the DNA sample to be tested.

(2) The application has been timely filed.

(3) The evidence to be tested is available and in a condition that would permit DNA testing.

D. Relief under this Article shall not be granted when the court finds that there is a substantial question as to the integrity of the evidence to be tested.

E. Relief under this Article shall not be granted solely because there is evidence currently available for DNA testing but the testing was not available or was not done at the time of the conviction.

F. Once an application has been filed and the court determines the location of the evidence sought to be tested, the court shall serve a copy of the application on the district attorney and the law enforcement agency which has possession of the evidence to be tested, including but not limited to sheriffs, the office of state police, local police agencies, and crime laboratories. If the

court grants relief under this Article and orders DNA testing the court shall also issue such orders as are appropriate to obtain the necessary samples to be tested and to protect their integrity. The testing shall be conducted by a laboratory mutually agreed upon by the district attorney and the petitioner. If the parties cannot agree, the court shall designate a laboratory to perform the tests that is accredited in forensic DNA analysis by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangements for Testing Laboratories (ILAC MRA) and requires conformance to an accreditation program based on the international standard ISO/IEC 17025 with an accreditation scope in the field of forensic science testing in the discipline of biology, and that is compliant with the current version of the Federal Bureau of Investigations Quality Assurance Standards for Forensic DNA Testing Laboratories.

G. If the court orders the testing performed at a private laboratory, the district attorney shall have the right to withhold a sufficient portion of any unknown sample for purposes of his independent testing. Under such circumstances, the petitioner shall submit DNA samples to the district attorney for purposes of comparison with the unknown sample retained by the district attorney. A laboratory selected to perform the analysis shall, if possible, retain and maintain the integrity of a sufficient portion of the unknown sample for replicate testing. If after initial examination of the evidence, but before actual testing, the laboratory decides that there is insufficient evidentially significant material for replicate tests, then it shall notify the district attorney in writing of its finding. If the petitioner and district attorney cannot agree, the court shall determine which laboratory as required by Paragraph F of this Article is best suited to conduct the testing and shall fashion its order to allow the laboratory conducting the tests to consume the entirety of the unknown sample for testing purposes if necessary.

H.(1) The results of the DNA testing ordered under this Article shall be filed by the laboratory with the court and served upon the petitioner and the district attorney. The court may, in its discretion, order production of the underlying facts or data and laboratory notes.

(2) After service of the application on the district attorney and the law enforcement agency in possession of the evidence, no evidence shall be destroyed that is relevant to a case in which an application for DNA testing has been filed until the case has been finally resolved by the court.

(3) After service of the application on the district attorney and the law enforcement agency in possession of the evidence, the clerks of court of each parish and all law enforcement agencies, including but not limited to district attorneys, sheriffs, the office of state police, local police agencies, and crime laboratories, shall preserve until August 31, 2030, all items of evidence in their possession which are known to contain biological material that can be subjected to DNA testing, in all cases that, as of August 15, 2001, have been concluded by a verdict of guilty or a plea of guilty.

(4) In all cases in which the defendant has been sentenced to death prior to August 15, 2001, the clerks of court of each parish and all law enforcement agencies, including but not limited to district attorneys, sheriffs, the office of state police, local police agencies, and crime laboratories shall preserve, until the execution of sentence is completed, all items of evidence in their possession which are known to contain biological material that can be subjected to DNA testing.

(5) Notwithstanding the provisions of Subparagraphs (3) and (4) of this Paragraph, after service of the application on the district attorney and the law enforcement agency in possession of the evidence, the clerks of court of each parish and all law enforcement agencies, including but not limited to district attorneys, sheriffs, the office of state police, local police agencies, and crime laboratories may forward for proper storage and preservation all items of evidence described in Subparagraph (3) of this Paragraph to a laboratory that is accredited by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangements for Testing Laboratories (ILAC MRA) and requires conformance to an accreditation program based on the international standard ISO/IEC 17025 with an accreditation scope in the field of forensic science testing in the discipline of biology, and that is compliant with the current version of the Federal Bureau of Investigations Quality Assurance Standards for Forensic DNA Testing Laboratories.

(6) Except in the case of willful or wanton misconduct or gross negligence, no clerk of court or law enforcement officer or law enforcement agency, including but not limited to any district attorney, sheriff, the office of state police, local police agency, or crime laboratory which is responsible for the storage or preservation of any item of evidence in compliance with either the requirements of Subparagraph (3) of this Paragraph or R.S. 15:621 shall be held civilly or criminally liable for the unavailability or deterioration of any such evidence to the extent that adequate or proper testing cannot be performed on the evidence.

I. The DNA profile of the petitioner obtained under this Article shall be sent by the district attorney to the state police for inclusion in the state DNA data base established pursuant to R.S. 15:605. The petitioner may seek removal of his DNA record pursuant to R.S. 15:614.

J. The petitioner, in addition to other service requirements, shall mail a copy of the application requesting DNA testing to the Department of Public Safety and Corrections, Corrections Services, office of adult services. If the court grants relief under this Article, the court shall mail a copy of the order to the Department of Public Safety and Corrections, Corrections Services, office of adult services. The Department of Public Safety and Corrections, Corrections Services, office of adult services, shall keep a copy of all records sent to them pursuant to this Subsection and report to the legislature before January 1, 2003, on the number of petitions filed and the number of orders granting relief.

K. There is hereby created in the state treasury a special fund designated as the DNA Testing Post-Conviction Relief for Indigents Fund. The fund shall consist of money specially appropriated by the legislature. No other public money may be used to pay for the DNA testing authorized under the provisions of this Article. The fund shall be administered by the office of the state public defender. The fund shall be segregated from all other funds and shall be used exclusively for the purposes established under the provisions of this Article. If the court finds that a petitioner under this Article is indigent, the fund shall pay for the testing as authorized in the court order.

Acts 2001, No. 1020, §1; Acts 2003, No. 823, §1; Acts 2006, No. 120, §1; Acts 2008, No. 297, §1; Acts 2011, No. 250, §2, eff. July 1, 2011; Acts 2014, No. 266, §1; Acts 2019, No. 156, §1; Acts 2024, No. 290, §1.

Art. 930.4. Repetitive applications

A. Unless required in the interest of justice, any claim for relief which was fully litigated in an appeal from the proceedings leading to the judgment of conviction and sentence shall not be considered.

B. If the application alleges a claim of which the petitioner had knowledge and inexcusably failed to raise in the proceedings leading to conviction, the court shall deny relief.

C. If the application alleges a claim which the petitioner raised in the trial court and inexcusably failed to pursue on appeal, the court shall deny relief.

D. A successive application shall be dismissed if it fails to raise a new or different claim.

E. A successive application shall be dismissed if it raises a new or different claim that was inexcusably omitted from a prior application.

F. Any attempt or request by a petitioner to supplement or amend the application shall be subject to all of the limitations and restrictions set forth in this Article. In addition to serving the district attorney for the jurisdiction where the underlying conviction was obtained, any application filed after the first application for post conviction relief shall be served on the district attorney and the attorney general at least sixty days in advance of the hearing on the application. Both the district attorney and the attorney general shall have a right to suspensively appeal any order granting relief.

G. All of the limitations set forth in this Article shall be jurisdictional and shall not be waived or excused by the court or the district attorney.

Added by Acts 1980, No. 429, §1, eff. Jan. 1, 1981; Acts 2013, No. 251, §1, eff. Aug. 1, 2014; Acts 2021, No. 104, §1; Acts 2024, 2nd Ex. Sess., No. 10, §1, eff. Aug. 1, 2024.

Art. 930.8. Time limitations; exceptions; prejudicial delay

A. No application for post conviction relief, including applications which seek an out-of-time appeal, shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final under the provisions of Article 914 or 922, unless any of the following apply:

(1) The application alleges, and the petitioner proves or the state admits, that the facts upon which the claim is predicated were not known to the petitioner or his prior attorneys. Further, the petitioner shall prove that he exercised diligence in attempting to discover any post conviction claims that may exist. "Diligence" for the purposes of this Article is a subjective inquiry that shall

take into account the circumstances of the petitioner. Those circumstances shall include but are not limited to the educational background of the petitioner, the petitioner's access to formally trained inmate counsel, the financial resources of the petitioner, the age of the petitioner, the mental abilities of the petitioner, or whether the interests of justice will be served by the consideration of new evidence. New facts discovered pursuant to this exception shall be submitted to the court within two years of discovery. If the petitioner pled guilty or nolo contendere to the offense of conviction and is seeking relief pursuant to Article 926.2 and five years or more have elapsed since the petitioner pled guilty or nolo contendere to the offense of conviction, the petitioner shall not be eligible for the exception provided for by this Subparagraph.

(2) The claim asserted in the petition is based upon a final ruling of an appellate court establishing a theretofore unknown interpretation of constitutional law and petitioner establishes that this interpretation is retroactively applicable to his case, and the petition is filed within one year of the finality of such ruling.

(3) The application would already be barred by the provisions of this Article, but the application is filed on or before October 1, 2001, and the date on which the application was filed is within three years after the judgment of conviction and sentence has become final.

(4) The person asserting the claim has been sentenced to death.

(5) The petitioner qualifies for the exception to timeliness in Article 926.1.

(6) The petitioner qualifies for the exception to timeliness in Article 926.2.

B. An application for post conviction relief which is timely filed, or which is allowed under an exception to the time limitation as set forth in Paragraph A of this Article, shall be dismissed upon a showing by the state of prejudice to its ability to respond to, negate, or rebut the allegations of the petition caused by events not under the control of the state which have transpired since the date of original conviction, if the court finds, after a hearing limited to that issue, that the state's ability to respond to, negate, or rebut such allegations has been materially prejudiced thereby.

C. At the time of sentencing, the trial court shall inform the defendant of the prescriptive period for post-conviction relief either verbally or in writing. If a written waiver of rights form is used during the acceptance of a guilty plea, the notice required by this Paragraph may be included in the written waiver of rights.

D. Any attempt or request by a petitioner to supplement or amend the application shall be subject to all of the limitations and restrictions as set forth in this Article.

E. All of the limitations set forth in this Article shall be jurisdictional and shall not be waived or excused by the court or the district attorney.

Acts 1990, No. 1023, §1, eff. Oct. 1, 1990; Acts 1999, No. 1262, §1; Acts 2004, No. 401, §1; Acts 2013, No. 251, §1, eff. Aug. 1, 2014; Acts 2021, No. 104, §1; Acts 2024, 2nd Ex. Sess., No. 10, §1, eff. Aug. 1, 2024.

Art. 972. Definitions

As used in this Title:

(1) "Expedited expungement" means an order of expungement that a judge may sign pursuant to Article 999 without the individual filing a motion to expunge with the clerk of court.

(2) "Expunge a record" means to remove a record of arrest or conviction, photographs, fingerprints, disposition, or any other information of any kind from public access pursuant to the provisions of this Title. "Expunge a record" does not mean destruction of the record.

(3) "Expungement by redaction" provides for the expungement of records of a person who is arrested or convicted with other persons who are not entitled to expungement and involves the removal of the name or any other identifying information of the person entitled to the expungement and otherwise retains the records of the incident as they relate to the other persons.

(4) "Interim expungement" means to expunge a felony arrest from the criminal history of a person who was convicted of a misdemeanor offense arising out of the original felony arrest. Only the original felony arrest may be expunged in an interim expungement.

(5) "Records" includes any incident reports, photographs, fingerprints, disposition, or any other such information of any kind in relation to a single arrest event in the possession of the clerk of court, any criminal justice agency, and local and state law enforcement agencies but shall not include DNA records. Records shall also include records of an arrest based on a warrant or attachment for failure to appear in court for the same offense or offenses for which the person is seeking an expungement.

Acts 2014, No. 145, §1; Acts 2019, No. 1, §1; Acts 2024, No. 270, §1.

Art. 978. Motion to expunge record of arrest and conviction of a felony offense

A. Except as provided in Paragraph B of this Article, a person may file a motion to expunge his record of arrest and conviction of a felony offense if any of the following apply:

(1) The conviction was set aside and the prosecution was dismissed pursuant to Article 893(E).

(2) More than ten years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole based on the felony conviction, and the person has

not been convicted of any other criminal offense for a period of at least ten years preceding the motion and has no criminal 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 convictions during the ten-year period immediately preceding the motion, and no pending charges under a bill of information or indictment.

(3) The person is entitled to a first offender pardon for the offense pursuant to Article IV, Section 5(E)(1) of the Constitution of Louisiana, provided that the offense is not defined as a crime of violence pursuant to R.S. 14:2(B) or a sex offense pursuant to R.S. 15:541.

B. No expungement shall be granted nor shall a person be permitted to file a motion to expunge the record of arrest and conviction of a felony offense if the person was convicted of the commission or attempted commission of any of the following offenses:

(1) A crime of violence as defined by or enumerated in R.S. 14:2(B), unless otherwise authorized in Paragraph E of this Article.

(2)(a) Notwithstanding any provision of Article 893, a sex offense or a criminal offense against a victim who is a minor as each term is defined by R.S. 15:541, or any offense which occurred prior to June 18, 1992, that would be defined as a sex offense or a criminal offense against a victim who is a minor had it occurred on or after June 18, 1992.

(b) Any person who was convicted of carnal knowledge of a juvenile (R.S. 14:80) prior to August 15, 2001, is eligible for an expungement pursuant to the provisions of this Title if the offense for which the offender was convicted would be defined as misdemeanor carnal knowledge of a juvenile (R.S. 14:80.1) had the offender been convicted on or after August 15, 2001. The burden is on the mover to establish that the elements of the offense of conviction are equivalent to the current definition of misdemeanor carnal knowledge of a juvenile as defined by R.S. 14:80.1. A copy of the order waiving the sex offender registration and notification requirements issued pursuant to the provisions of R.S. 15:542(F) shall be sufficient to meet this burden.

(3) A violation of the Uniform Controlled Dangerous Substances Law, except for any of the following which may be expunged pursuant to the provisions of this Title:

(a) A conviction for possession of a controlled dangerous substance as provided for in R.S. 40:966(C), 967(C), 968(C), or 969(C), or 970(C).

(b) A conviction for possession of a controlled dangerous substance with the intent to distribute.

(c) A conviction for a violation of the Uniform Controlled Dangerous Substances Law which is punishable by a term of imprisonment of not more than five years.

(d) A conviction for a violation of the Uniform Controlled Dangerous Substances Law which may be expunged pursuant to Article 893(E).

(e) A conviction for a violation of the Uniform Controlled Dangerous Substances Law for which the person is entitled to a first offender pardon pursuant to Article IV, Section 5(E)(1) of the Constitution of Louisiana.

(4) The conviction was for domestic abuse battery.

C. The motion to expunge a record of arrest and conviction of a felony offense shall be served pursuant to the provisions of Article 979.

D. Repealed by Acts 2020, No. 78, §2.

E.(1) Notwithstanding any other provision of law to the contrary, after a contradictory hearing, the court may order the expungement of the arrest and conviction records of a person pertaining to a conviction of aggravated battery, second degree battery, aggravated criminal damage to property, simple robbery, purse snatching, or illegal use of weapons or dangerous instrumentalities if all of the following conditions are proven by the petitioner:

(a) More than ten years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole based on the felony conviction.

(b) The person has not been convicted of any other criminal offense during the ten-year period.

(c) The person has no criminal charge pending against him.

(d) Repealed by Acts 2020, No. 71, §2.

(2) The motion filed pursuant to this Paragraph shall include a certification from the district attorney which verifies that, to his knowledge, the applicant has no convictions during the ten-year period and no pending charges under a bill of information or indictment. The motion shall be heard by contradictory hearing as provided by Article 980.

F. A person shall be eligible to have more than one felony conviction expunged in a ten-year period if each felony is eligible for expungement under the provisions of this Article.

Acts 2014, No. 145, §1; Acts 2015, No. 151, §1, eff. June 23, 2015; Acts 2015, No. 200, §1; Acts 2016, No. 125, §1, eff. May 19, 2016; Acts 2018, No. 678, §1; Acts 2019, No. 268, §1; Acts 2020, No. 71, §2; Acts 2020, No. 78, §2; Acts 2024, No. 580, §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, the following individuals shall be exempt from the payment of the processing fees otherwise authorized by this Article:

(1) A juvenile who has successfully completed any juvenile drug court program operated by a court of this state.

(2) A person eligible for an expedited expungement pursuant to Article 999.

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; Acts 2024, No. 270, §1.

Art. 985.3. Immediate expungement; judicial discretion

A. The court may order the immediate expungement of the record of the arrest and conviction of the violation that necessitated participation in the probation or program by a person who is otherwise eligible for an expungement upon the successful completion of a court-ordered probation or alternative sentencing program.

B. Only the form provided in Article 992 shall be used to expunge the record of a person who is otherwise eligible for an expungement upon the successful completion of a court-ordered probation or alternative sentencing program.

C. The immediate expungement shall be served pursuant to the provisions of Article 982 and shall include the court record with the signed order with all of the following:

(1) The bill of information.

(2) The sentencing minutes.

(3) Any documents or records relevant to the arrest incident and plea agreements, if available.

Acts 2024, No. 560, §1.

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.
  □ An offense currently listed as a sex offense that requires registration pursuant to R.S. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.
  □ An offense defined or enumerated as a "crime of violence" pursuant to R.S. 14:2(B) at the time the Motion was filed.
  □ The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the

Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).

□ Mover was convicted of a misdemeanor which arose from circumstances involving a sex offense as defined in R.S. 15:541.

□ Mover was convicted of misdemeanor offense of domestic abuse battery which was not dismissed pursuant to C.Cr.P. Art. 894(B).

□ Mover did not complete pretrial diversion.

□ The charges against the mover were not dismissed or refused.

□ Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art. 893(E).

□ Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art. 894(B).

□ Mover completed a DWI pretrial diversion program, but five years have not elapsed since the mover's date of arrest.

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

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

□ Mover has criminal charges pending against him.

□ Mover was convicted of a criminal offense during the ten-year period, excluding any noncapital felony during the preceding ten-year period that would otherwise be eligible for expungement pursuant to C.Cr.P. Art. 978(F).

□ Mover received a first offender pardon but for an ineligible offense.

□ Mover did not receive a first offender pardon.

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

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

□ **THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY REDACTION** If the record includes more than one individual and the mover is entitled to expungement by redaction pursuant to Code of Criminal Procedure Article 985, for No(s). _____ and all agencies are ordered to expunge the record of arrest/conviction and any

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

NAME: _____
(Last, First, MI)
DOB: _____/_____/_____ (MM/DD/YY)
GENDER: _____ Female _____Male
SSN (last 4 digits): XXX-XX-_____
RACE: _____
DRIVER LIC.# _____
ARRESTING AGENCY: _____
SID# (if available): _____
ARREST NUMBER (ATN): _____
AGENCY ITEM NUMBER: _____
ARREST DATE: _____/_____/_____ (MM/DD/YY)

THUS ORDERED AND SIGNED this _____ day of _____, 20____
at _____, Louisiana.

_____
JUDGE

PLEASE SERVE:
1. District Attorney: _____
2. Arresting Agency: _____
3. Parish Sheriff:_____
4. Louisiana Bureau of Criminal Identification and Information_____
5. Attorney for Defendant (or defendant)_____
6. Clerk of Court _____

Acts 2014, No. 145, §1; Acts 2015, No. 200, §1; Acts 2016, No. 125, §1, eff. May 19, 2016; Acts 2018, No. 711, §1; Acts 2020, No. 71, §1; Acts 2020, No. 73, §1; Acts 2020, No. 78, §1; Acts 2024, No. 580, §1.

Art. 999. Expungement of arrest records for certain individuals

A. A person shall be entitled to the expedited expungement of his arrest, at no cost to him, if the person meets all of the following:

(1) The person is seventeen years of age when the person is arrested or charged with any criminal offense as provided in Title 14 or 40 of the Louisiana Revised Statutes of 1950.

(2) The district attorney, for any reason, declined to prosecute all offenses arising out of that arrest, including the reason that the person successfully completed a pretrial diversion program.

(3) Prosecution was instituted and such proceedings have been finally disposed of by dismissal, sustaining of a motion to quash, or acquittal.

B. The provisions of this Article shall not apply to any misdemeanor or felony conviction arising from the incident of arrest.

C. The expedited expungement shall be served pursuant to the provisions of Article 982.

Acts 2024, No. 270, §1.

Art. 999.1. Order form to be used; expedited expungement

JUDICIAL DISTRICT FOR THE PARISH OF

_____

No.: _____Division: "_____"
State of Louisiana
vs.

_____

ORDER OF EXPUNGEMENT UNDER
CODE OF CRIMINAL PROCEDURE ARTICLE 999

Pursuant to Code of Criminal Procedure Article 999, wherein all of the following applies,

(1) The defendant was seventeen years of age when the defendant was arrested or charged with any criminal offense as provided in Title 14 or 40 of the Louisiana Revised Statutes of 1950.

(2) The district attorney, for any reason, declined to prosecute all offenses arising out of that arrest, including the reason that the person successfully completed a pretrial diversion program.

(3) Prosecution was instituted and such proceedings have been finally disposed of by dismissal, sustaining of a motion to quash, or acquittal.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the following charges and arrest on the dates provided herein be expunged.

THUS ORDERED AND SIGNED, ADJUDGED, AND DECREED this ____ day of _____, 20 ____ at _____, Louisiana, _____.

_____
JUDGE

DEFENDANT INFORMATION:
NAME:_____
First Middle Last
DATE OF BIRTH:_____
GENDER:_____
SS#_____
RACE_____
DRIVER'S LICENSE#_____
ARRESTING AGENCY_____
SID#_____
ARREST NUMBER (ATN)_____
AGENCY ITEM NO:_____

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

Acts 2024, No. 270, §1.