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January 30, 2019

Representative Taylor Barras
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804


Senator John A. Alario, Jr.
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

**RE: HOUSE CONCURRRENT RESOLUTION NO. 4 OF THE 2018 THIRD
EXTRAORDINARY SESSION**

Dear Mr. Speaker and Mr. President:

The Louisiana State Law Institute respectfully submits its interim report to the legislature relative to expungement fees.

Sincerely,


Guy Holdridge
Director

cc: Representative Joseph Marino
Representative Royce Duplessis
Representative Nicholas Muscarello
Representative Steve E. Pylant
Representative John M. Stefanski

email cc: David R. Poynter Legislative Research Library
drplibrary@legis.la.gov
Secretary of State, Mr. R. Kyle Ardoin
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**LOUISIANA STATE LAW INSTITUTE
CRIMINAL CODE AND CODE OF CRIMINAL PROCEDURE
COMMITTEE**

**INTERIM REPORT TO THE LEGISLATURE IN RESPONSE TO
HCR NO. 4 OF THE 2018 THIRD EXTRAORDINARY SESSION**

Relative to expungement fees

Prepared for the
Louisiana Legislature on

January 30, 2019

Baton Rouge, Louisiana

**LOUISIANA STATE LAW INSTITUTE
CRIMINAL CODE AND CODE OF CRIMINAL PROCEDURE
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Judge Guy Holdridge, Acting Reporter
Mallory C. Waller, Staff Attorney

2018 Third Extraordinary Session

HOUSE CONCURRENT RESOLUTION NO. 4

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

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

A CONCURRENT RESOLUTION

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the Louisiana State Law Institute work in conjunction with the Louisiana District Attorneys Association, the Louisiana Public Defender Board, the Louisiana Sheriffs' Association, the Louisiana State Police, the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice, the Louisiana Clerks of Court Association, and any other agencies or associations deemed appropriate by the committee regarding this study.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall report its findings and recommendations to the Louisiana Legislature no later than February 1, 2019.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

January 30, 2019

Representative Taylor F. Barras
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P.O. Box 94062
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**INTERIM REPORT TO THE LEGISLATURE IN RESPONSE TO
HCR NO. 4 OF THE 2018 THIRD EXTRAORDINARY SESSION**

House Concurrent Resolution No. 4 of the 2018 Third Extraordinary Session urges and requests the Louisiana State Law Institute to and make recommendations relative to fees for the expungement of arrest and conviction records. In fulfillment of this request, the Law Institute assigned the project to its Criminal Code and Code of Criminal Procedure Committee.

The Committee generally discussed the issues mentioned in the resolution as well as more specific issues concerning multiple expungements resulting from a single arrest that led to multiple charges, the “vicious circle” created by cost-prohibitive expungements with respect to obtaining jobs, and the need to streamline fees into a single statute that applies uniformly throughout the state. The Committee then decided to form an Expungement Fees Subcommittee led by Judge Camille Buras as Chair and comprised of members with expertise in this area of criminal law, including existing Committee members and other interested persons from various institutions and associations.

The Subcommittee has begun the process of gathering data and other information from entities throughout the state concerning the variations in fees being imposed with respect to expungements. Both the Committee and Subcommittee plan to meet during the course of this year to further consider this information and to make recommendations concerning expungement fees in Louisiana. A final report will be submitted to the Legislature once the Committee’s recommendations have been approved by the Council of the Law Institute.

Respectfully submitted,

Judge Guy Holdridge, Acting Reporter
Criminal Code and Code of Criminal Procedure Committee
Louisiana State Law Institute