



LOUISIANA STATE LAW INSTITUTE

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January 29, 2021

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

Senator Patrick Page Cortez
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

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

Dear Mr. Speaker and Mr. President:

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

Sincerely,

A handwritten signature in black ink, appearing to read "Guy Holdridge", with a horizontal line extending to the right.

Guy Holdridge
Director

GH/pc
Enclosure

cc: Representative Royce Duplessis
Representative Joseph A. Marino, III
Representative Nicholas Muscarello
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
CODE OF CRIMINAL PROCEDURE COMMITTEE**

**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 29, 2021

Judge Guy Holdridge, Acting Reporter
Mallory C. Waller, Staff Attorney

LOUISIANA STATE LAW INSTITUTE CODE OF CRIMINAL PROCEDURE COMMITTEE

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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 29, 2021

Representative Clay Schexnayder
Speaker of the House of Representatives
P.O. Box 94062
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Senator Patrick Page Cortez
President of the Senate
P.O. Box 94183
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**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 urged and requested the Louisiana State Law Institute to study and make recommendations relative to fees for the expungement of arrest and conviction records. The resolution also observed that the amounts charged for expungements and the methods of collection of these fees vary from parish to parish, creating a level of uncertainty for applicants seeking an expungement. In fulfillment of this request, the Law Institute assigned the project to its Code of Criminal Procedure Committee, which operates under the direction of Judge Guy Holdridge as Acting Reporter and is comprised of district attorneys, criminal defense lawyers, judges of district and appellate courts, law professors, and representatives of several associations.

The Code of Criminal Procedure Committee gathered data and related information from jurisdictions and other entities throughout the state concerning the variations in both the fees being imposed with respect to expungements and the methodologies for doing so. The information from these various sources was compiled and is presented in Appendix B. In addition to reviewing this data, the Committee discussed issues pertaining to the “vicious circle” created when cost-prohibitive expungements impair the ability of offenders to find employment, the possibility of streamlining fees into a single statute that applies uniformly throughout the state, and the problems created by requiring multiple expungements when a single arrest results in multiple charges. With respect to the last of these issues, the Committee reviewed legislation from the 2019 Regular Session – Acts 2019, No. 1 – which amended Code of Criminal Procedure Article 983 to provide that if an application for expungement includes two or more offenses arising out of the same arrest, the applicant is required to pay only one fee.

This Article was again amended during the 2020 Regular Session to provide that payment for an expungement may be made by money orders or by checks issued by a law firm or an attorney. See Acts 2020, No. 79. Several amendments were also made to the substantive laws on expungement and to the expungement forms during the 2020 Regular Session. See Acts 2020, Nos. 70 (removing limitations on the number of expungements that may be obtained within a certain period of time), 71 (removing the requirement that a person be employed for ten

consecutive years), 73 (adding the ability to receive a first offender pardon for an eligible offense), and 132 (adding the successful completion of a pretrial diversion program as a basis for expungement).

The Code of Criminal Procedure Committee also considered the formation of the Clean Slate Task Force pursuant to House Concurrent Resolution No. 106 of the 2019 Regular Session and House Resolution No. 67 of the 2020 Regular Session. The charge of this Task Force is “to study and evaluate the process and procedure for automatic criminal record-clearing for individuals who are eligible for expungement.” The Law Institute therefore recommends that the compiled data included in this report be submitted to the Clean Slate Task Force for consideration in the formulation of its recommendations to develop processes and procedures to implement automatic criminal record-clearing in Louisiana. The Law Institute plans to monitor changes in the laws and other practices related to expungements and may make additional recommendations as necessary in the future.

APPENDIX A: RELEVANT PROVISIONS OF EXISTING LAW

Article 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. (Added by Acts 2020, No. 79)

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 Fund.

(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 the Code of Criminal Procedure, 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 the Code of Criminal Procedure and did not participate in a pretrial diversion program.

(4) The applicant was determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8.

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

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

H. 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. (Added by Acts 2019, No. 1)

I. 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.

Article 984. Additional requirements for the expungement of records involving the operation of a vehicle while intoxicated; additional fee

A. A person convicted of operating a vehicle while intoxicated shall be required to supplement the motions required in this Title with proof in the form of a certified letter from the Department of Public Safety and Corrections, office of motor vehicles, that the person has

complied with the requirements of this Article. The certified letter shall be attached to the motion to expunge the record of arrest and conviction for operating a vehicle while intoxicated.

B. The court shall order the clerk of court to mail to the Department of Public Safety and Corrections, office of motor vehicles, all of the following as provided by the defendant:

(1) A certified copy of the record of the plea of guilty or nolo contendere.

(2) Fingerprints of the defendant.

(3) Proof that the defendant meets the requirements as set forth in Article 556 or 556.1 of this Code which shall include the defendant's date of birth, social security number, and driver's license number.

C. An additional fifty-dollar court cost shall be assessed at this time against the defendant and paid to the Department of Public Safety and Corrections, office of motor vehicles, for the costs of storage and retrieval of the records. The court cost provided by this Paragraph shall be submitted to the department regardless of whether the clerk of court is submitting this matter to the department pursuant to Paragraph B or D of this Article.

D. In lieu of forwarding the items listed in Paragraph B of this Article, the clerk of court may send a copy of the letter issued by the department pursuant to Subparagraph (B)(1) of Article 894 if the clerk had previously submitted records of the plea to the department pursuant to that Article.

* * *

Article 988. Motion for fee exemption form to be used

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

No.: _____ Division: " _____ "

State of Louisiana
vs.

CERTIFICATION OF FEE WAIVER

*To be completed by defendant and submitted to the District Attorney's Office prior to filing.
Append completed form to Motion of Expungement at filing only if eligible.*

DEFENDANT NAME	
----------------	--

DATE OF BIRTH	
SSN (last 4 digits)#	XXX-XX-
DATE OF ARREST	
DOCKET NUMBER	
CHARGE	

In accordance with Louisiana Code of Criminal Procedure Article 983, the Office of the District Attorney has reviewed the available databases and determined that *(Check all that apply. To be completed by authorized personnel from the District Attorney's Office and returned within 15 days to defendant.):*

- The arrestee listed above has NO FELONY CONVICTIONS.

AND

- The arrestee listed above has NO PENDING FELONY CHARGES UNDER A BILL OF INDICTMENT OR INFORMATION.

AND

- The arrestee listed above WAS ACQUITTED after trial of all charges derived from the arrest listed above, including any lesser and included offense.

OR

- The arrestee listed above WAS NOT PROSECUTED WITHIN THE TIME LIMITATIONS prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure and the arrestee did not participate in a pretrial diversion program for the arrest listed above.

OR

- The case involving the arrestee listed above was dismissed or the district attorney declined to prosecute the case prior to the time limitations prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure, and the arrestee did not participate in a pretrial diversion program.

OR

- The arrestee listed above has been determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8.

OR

- The arrestee listed above is a juvenile who has successfully completed any juvenile drug court program and is exempt from fees pursuant to Code of Criminal Procedure Article 983(G).

District Attorney or his designee - Print Name

_____, 20____"
District Attorney or his designee – Signature Date

APPENDIX B: COMPILED DATA ON EXPUNGEMENT FEES IN LOUISIANA

1. Expungement Fees by Parish

Parish	Fee	Paid To	Forms of Payment Accepted
Acadia	N/A	N/A	N/A
Allen	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$50	Separate money orders
Ascension	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 23rd JDC DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, OMV: \$50	Clerk accepts attorney check, cash, or money order. Others accept separate money orders only
Assumption	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$50	Separate money orders only
Avoyelles	\$550	DPS&C: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200	Clerk accepts cash, check, or money order. DPS&C accepts money order or certified cashiers check. Others accept separate money orders only
Beauregard	Non-DWI: \$550 DWI: \$600	DPS&C: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, OMV: \$50	Separate money orders only
Bienville	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$50	Separate money orders only
Bossier	\$550	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200	Separate money orders only
Caddo	\$550	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200	Separate money orders only

Calcasieu	<u>Fresh Start Initiative</u> Non-DWI: \$378 DWI: \$428 <u>Normal Costs</u> Non-DWI: \$550 DWI: \$600 (plus fee)	<u>Fresh Start Initiative</u> BCI&I: \$250 Clerk of Court: \$100 For DWIs, OMV: \$50 <u>Normal Costs</u> BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, OMV: \$50	N/A
Caldwell	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$50	Separate money orders only
Cameron	Non-DWI: \$550 DWI: \$600	State Police: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, OMV: \$50 Processing Fees to Clerk: \$45	Separate money orders
Catahoula	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$50	Separate money orders only
Claiborne	Non-DWI: \$550	State Police: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200	Separate money orders
Concordia	N/A	N/A	N/A
DeSoto	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, OMV: \$50	Clerk accepts check or money order. BCI&I accepts money order or cashier's check. Others accept separate money orders only
East Baton Rouge	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, OMV: \$50	Separate money orders only
East Carroll	N/A	N/A	N/A

East Feliciana	\$550	State Police: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200	Separate money orders only
Evangeline	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, OMV: \$50	Separate money orders only
Franklin	N/A	N/A	N/A
Grant	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$50	Separate money orders only
Iberia	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$50	Separate money orders only
Iberville	Non-DWI: \$550 DWI: \$600	State Police: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$50	Money order or cashier's check
Jackson	Non-DWI: \$600 DWI: \$650	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$250 For DWIs, DPS&C: \$50	Separate money orders only
Jefferson	Non-DWI: \$550 DWI: \$600	State Police: \$250 Clerk of Court: \$300* For DWIs, DPS&C: \$50 *Clerk distributes \$50 to the DA and \$50 to the sheriff	Clerk accepts cash, credit card, check, or money order. Others accept separate money orders only
Jefferson Davis	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$50	Separate money orders only
Lafayette	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 15th JDC DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$50	Clerk accepts cash or money order. Others accept separate money orders only

Lafourche	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$50	Clerk accepts cash, check, or money order. BCI&I accepts money order or cashier's check. Others accept separate money orders only
LaSalle	N/A	N/A	N/A
Lincoln	N/A	N/A	N/A
Livingston	\$360	State Police: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$10	N/A
Madison	N/A	N/A	N/A
Morehouse	N/A	N/A	N/A
Natchitoches	\$235	Clerk of Court: \$110 State Police: \$125 if service is required	State police accepts money order or cashier's check
Orleans	\$550	Clerk of Criminal District Court	Cash, money order, credit card, or cashier's check
Ouachita	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$50	Clerk accepts cash or money order. Others accept separate money orders only
Plaquemines	N/A	N/A	N/A
Pointe Coupee	N/A	N/A	N/A
Rapides	\$450	BCI&I: \$250 Clerk of Court: \$200	Separate money orders only
Red River	N/A	N/A	N/A
Richland	N/A	N/A	N/A
Sabine	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$50	Separate money orders only
St. Bernard	Non-DWI: \$410 DWI: \$460	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$60 plus an extra \$50 for DWIs	DA and sheriff accept check or money order. All others accept separate money orders only
St. Charles	N/A	N/A	N/A
St. Helena	N/A	N/A	N/A
St. James	Non-DWI: \$550	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200	Separate money orders

St. John the Baptist	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$50	Separate money orders only
St. Landry	N/A	N/A	N/A
St. Martin	N/A	N/A	N/A
St. Mary	Non-DWI: \$550 DWI: \$650	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$100	Separate money orders only
St. Tammany	Non-DWI: \$550 DWI: \$650	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$100	Clerk accepts cash, check, money order, or credit card. BCI&I accepts money order or cashier's check. Others accept separate money orders only
Tangipahoa	Non-DWI: \$550 DWI: \$650	State Police: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, OMV: \$50	N/A
Tensas	N/A	N/A	N/A
Terrebonne	\$550	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200	N/A
Union	Non-DWI: \$550 DWI: \$650	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, DPS&C: \$100	Separate money orders only
Vermillion	N/A	N/A	N/A
Vernon	N/A	N/A	N/A
Washington	Non-DWI: \$550 DWI: \$600	BCI&I: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, OMV: \$50	Clerk accepts cash or money order. Bureau accepts money order or cashier's check. Others accept separate money orders only

Webster	Non-DWI: \$550 DWI: \$600	State Police: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, OMV: \$50	Clerk accepts attorney check, credit card, or money order. Others accept separate money orders only
West Baton Rouge	Non-DWI: \$550 DWI: \$600	State Police: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200 For DWIs, OMV: \$50	Clerk accepts check, credit/debit card, or money order. Others accept separate money orders or certified check only
West Carroll	N/A	N/A	N/A
West Feliciana	\$550	State Police: \$250 DA: \$50 Sheriff: \$50 Clerk of Court: \$200	Separate money orders only
Winn	N/A	N/A	N/A

BCI&I = Bureau of Criminal Identification
DPS&C = Department of Public Safety and Corrections
OMV = Office of Motor Vehicles

2. Default Rules for Expungement from LASC and LEAP

The cost of expungement is \$550. This amount must be paid in full at the time of filing because several agencies will receive a portion of this cost. They are as follows: \$250 goes to the Louisiana State Police, \$200 goes to the Criminal District Court Clerk, \$50 goes to the parish District Attorney, and \$50 goes to the parish sheriff.

Any parish without rules or programs that reduce these default rules seems to use the default rules.

3. Additional Information from Louisiana Expungement Assistance and Advocacy Center

Question: How much does an expungement cost?

Unfortunately, the expungement law requires you to pay processing fees and costs to many different agencies and can be somewhat expensive. The filing costs of expungements generally range from \$550 to over \$700, depending on whether a DWI is involved and whether a prior conviction must be converted to an 893/894 acquittal before the expungement can go through. Clerks of court often require a separate petition (and separate costs) to process multiple charges from multiple dates. The law is currently unclear whether this is required in all cases. The costs must be paid in full at the same time you file the petition for expungement because several agencies will receive a portion of this cost. They are as follows:

- \$250 to the Louisiana State Police, Bureau of Criminal Identification and Information;

- \$200 to the clerk of court;
- \$50 to the parish district attorney's office; and
- \$50 to the parish sheriff's office.

If an 893/894 affidavit is required, there are additional fees:

- \$60 to the clerk of court; and
- \$50 to the parish sheriff's office.

If a DWI is involved, there are more additional fees:

- \$50 to the Louisiana Department of Motor Vehicles
- \$50 (additional) to the Louisiana Department of Motor Vehicle, if there is an 894.

Question: Will I get my filing fees back if my expungement is not granted?

No. The Louisiana expungement law was recently amended to require prepayment to the clerk for all court and processing fees when you file your petition for expungement, and to provide that those fees are no longer refundable.