

# HB 604 CLEAN SLATE



## By Representative Ted James

HB 604 represents the culmination of 2 years of collaborative work by the Clean Slate Task Force to refine Louisiana's expungement system to allow for government-initiated expungements. This will permit information sharing across law enforcement agencies to address the inefficiencies of the petition-based system for agencies and reduce the burden on individuals who are already eligible for an expungement under current Louisiana law.

## FREQUENTLY ASKED QUESTIONS

**UNDER THIS LEGISLATION, WILL MORE CONVICTIONS BE ELIGIBLE FOR EXPUNGEMENT?**

No. Only crimes (convictions and pleas) and arrests that are eligible under current law would remain eligible for record-clearing. Louisiana's complicated and expensive expungement process will be simplified for those who already qualify.

**WILL THIS BILL NEGATIVELY AFFECT A PROSECUTOR'S ABILITY TO PURSUE CHARGES AGAINST SOMEONE?**

This bill does not allow for an expungement of any records that have not been disposed of, or closed, or those for which prescription has not run.

**DOES THIS BILL CHANGE THE ROLE OF PROSECUTORS, JUDGES, OR LAW ENFORCEMENT IN THE EXPUNGEMENT PROCESS?**

Under this legislation, the workload of prosecutors is reduced because they will no longer have to review their eligibility for expungement (in many instances). The effect of this legislation is that it will reduce court crowding. This legislation will reduce the overall workload of attorneys employed by law enforcement agencies and allow for greater efficiency in these offices.

**HOW WILL SOMEONE KNOW A RECORD HAS BEEN EXPUNGED BY THE GOVERNMENT-INITIATED PROCESS?**

Similar to the current law, this bill allows a person to contact the Louisiana State Police and request a review of their record to receive documentation that a record was expunged.

**WILL JUDGES AND LAW ENFORCEMENT BE ABLE TO SEE EXPUNGED RECORDS IF THIS BILL PASSES?**

Yes. All prosecutors, courts, and law enforcement agencies will still be able to see expunged information.



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**DOES THIS BILL CHANGE THE CONDITIONS AND TIME PERIODS FOR GRANTING AN EXPUNGEMENT?**

Yes. The legislation authorizes the government to start the expungement process in certain instances or a person can petition if they are eligible for expungement before the timelines for government initiated processes are triggered. The bill keeps the existing ten year felony waiting period for an expungement.

Louisiana's current law has special processes (known as "893 and 894 deferred" expungements) meant to speed up the process of expungement for some lower-level offenses. This process will remain in current law, and will remain a process initiated by individuals, not the government.

**WILL THIS BILL ALLOW PEOPLE CONVICTED OF CRIMES INVOLVING CHILDREN OR SEX OFFENSES TO WORK WITH CHILDREN? TO BE ELIGIBLE FOR EXPUNGEMENT?**

No. Expungement eligibility for crimes involving minors or sex offenses will not change under this bill. Any offenses currently ineligible for petition-based expungement will remain ineligible for government-initiated expungement.

- Any conviction for a sex offense is not eligible for an expungement. Further, any employer or organization that hires individuals with supervisory or disciplinary authority over children must request a background check and can always see all information, including expunged information, on a person's record. The law disqualifies individuals with certain offenses from being employed or working with children.
- The eligibility for expungement has not changed and anyone convicted of an ineligible offense involving children is not eligible for either a government-initiated expungement or a petition-based expungement.

Further, some state licensing agencies can always see expunged information to license an individual for certain jobs in Louisiana. If the person does not receive a license they cannot be hired for certain positions in finance or healthcare.

**WILL THIS BILL DECREASE FUNDING FOR COURTS OR LAW ENFORCEMENT?**

This law creates an automated process, by which expungement filing fees will be phased out in 4 years. Since most fees related to expungements cover court related expenses for administering a manual process, and this bill will automate eligible records, there will be minimal impact to court funding through a reduction in cost to courts.