

## EXPUNGEMENT INFORMATION SHEET

### FORMS:

**Motion to Set Aside Conviction and Dismiss Prosecution** – must be filed to have Article 893 and Article 894 sentences set aside (no cost to file)

**Certification of Fee Waiver** – must be completed and signed by District Attorney's Office to have fee waived.

**Motion for Expungement** – must be filed to have arrest and/or convictions expunged

**Order of Expungement of Arrest/Conviction Record** – must be signed by Judge to have record expunged

**Motion for Interim Expungement** – can be filed if original felony charge/conviction is reduced to misdemeanor

**Order of Expungement of Interim Arrest Record** – must be signed by Judge to have interim record expunged

**Supplemental sheet** – to be used if additional space needed for arrest/convictions

ALL ORIGINAL DOCUMENTS MUST BE FILED WITH CLERK OF COURT

### COST AT TIME OF FILING:

\$200.00 Money order payable to Clerk of Court

\$250.00 Money order payable to Louisiana Bureau of Criminal Identification/Information

\$ 50.00 Money order payable to Bossier Parish Sheriff

\$ 50.00 Money order payable to Bossier Parish District Attorney

### **THESE FEES ARE NONREFUNDABLE**

### GENERAL INFORMATION:

- By law, the clerk of court does not provide any legal advice on how to prepare legal documents- you would either need to speak to a lawyer or do research in Louisiana law books to determine what information should be included in the motion.
- Once a motion is filed with the clerk of court, it will be sent to the Judge to sign and set motion for hearing date. You and/or your lawyer will need to be present in court on that day; the Clerk of Court will mail a notice of the court date so please ensure a valid mailing address is included on the original motion.
- If the Judge grants the expungement, you will need to present him/her with the Order for expungement of Arrest/Conviction Record to sign in open court.
- If the expungement is granted you will need to get certified copies of any filings needed- certified copies are \$ .50 per page plus an additional \$5.00 for certification of each copy; please be sure to get an adequate number of copies upfront, as you may not be able to get additional copies later once the files have been removed from public record.
- The State of Louisiana, District Attorney and Sheriff will be served with a copy of the judgment however; you will be responsible for serving any other agency with information about your charge on file.
- An expungement must be filed for EACH ARREST.

# ACT No. 145

HOUSE BILL NO. 55

BY REPRESENTATIVES LOPINTO, ADAMS, ARMES, BADON, BARRAS, WESLEY BISHOP, BROSSETT, BROWN, HENRY BURNS, BURRELL, CARMODY, CARTER, COX, DIXON, GAINES, GUILLORY, HARRISON, HAZEL, HODGES, HOFFMANN, HONORE, HOWARD, HUNTER, KATRINA JACKSON, JAMES, JEFFERSON, NANCY LANDRY, TERRY LANDRY, MORENO, JIM MORRIS, NORTON, PYLANT, SMITH, ST. GERMAIN, THIERRY, PATRICK WILLIAMS, AND WOODRUFF AND SENATORS GALLOT, GUILLORY, JOHNS, MARTINY, MILLS, MORRELL, GARY SMITH, AND TARVER

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AN ACT

To amend and reenact R.S. 44:4.1(38), to enact Title XXXIV of the Code of Criminal Procedure, to be comprised of Articles 971 through 995, and to repeal R.S. 44:9, relative to expungement; to provide for the effect of expunged records; to provide for definitions; to authorize the expungement of certain felony conviction records; to prohibit the dissemination of expunged records by third parties; to provide penalties for the unlawful dissemination of expunged records by third parties; to provide for legislative findings; to provide for applicability; to provide for procedures for obtaining an expungement; to provide for filing of motions to obtain an expungement; to provide for service of motions for expungement; to provide for service of judgments of expungement; to authorize the expungement of conviction records after a certain period of time has elapsed; to provide for eligibility to obtain an expungement; to delete provisions of law referring to destruction of arrest or conviction records; to provide for the assessment of certain fees for expungement; to provide that certain fees are nonrefundable; to provide for expungement by redaction of records; to provide for uniform forms for expungement; to provide for the exemption of certain fees in certain circumstances; to provide for a judgment granting an expungement; to provide for contradictory hearings; to prohibit incarcerated individuals from filing a motion to expunge an arrest or conviction record; to provide for the interim expungement of certain arrests from criminal

1 history records; to provide for exceptions to the public records law; and to provide  
2 for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. Title XXXIV of the Code of Criminal Procedure, comprised of Articles  
5 971 through 995, is hereby enacted to read as follows:

6 Art. 971. Legislative findings

7 The legislature hereby finds and declares the following:

8 (1) Louisiana law provides for the expungement of certain arrest and  
9 conviction records under limited circumstances. Obtaining an expungement of these  
10 records allows for the removal of a record from public access but does not result in  
11 the destruction of the record.

12 (2) An expunged record is confidential, but remains available for use by law  
13 enforcement agencies, criminal justice agencies, and other statutorily defined  
14 agencies.

15 (3) Following the passage of the Maritime Transportation Security Act of  
16 2002, all individuals who wish to work at ports or on vessels regulated by this Act  
17 are required to obtain a Transportation Worker Identification Credential (TWIC).  
18 Obtaining a TWIC card requires a criminal history check and clearance which cannot  
19 be obtained without either a clean record or an expunged record with respect to  
20 certain offenses.

21 (4) The inability to obtain an expungement can prevent certain individuals  
22 from obtaining gainful employment.

23 (5) The need for employment must be balanced appropriately against the  
24 desire for public safety. Nothing in this Title shall be construed to limit or impair in  
25 any way the subsequent use of any expunged record of arrest or conviction in any  
26 lawful manner by law enforcement, law enforcement agencies, prosecutors, or  
27 judges, including its use as a predicate offense or for the provisions of the Habitual  
28 Offender Law.

29 (6) It is the intention of the legislature that this Title will provide  
30 opportunities to break the cycle of criminal recidivism, increase public safety, and

1 assist the growing population of criminal offenders reentering the community to  
2 establish a self-sustaining life through opportunities in employment.

3 (7) In balancing the legitimate needs of law enforcement agencies and the  
4 desire to afford employment opportunities to all Louisiana citizens, the Louisiana  
5 Legislature enacts the provisions of this Title within the Code of Criminal Procedure.

6 Art. 972. Definitions

7 As used in this Title:

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

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

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

21 (4) "Records" includes any incident reports, photographs, fingerprints,  
22 disposition, or any other such information of any kind in relation to a single arrest  
23 event in the possession of the clerk of court, any criminal justice agency, and local  
24 and state law enforcement agencies but shall not include DNA records.

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

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

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

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

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

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

19                  B. Upon written request therefor and on a confidential basis, the information  
 20          contained in an expunged record may be released to the following entities that shall  
 21          maintain the confidentiality of such record: the Office of Financial Institutions, the  
 22          Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing,  
 23          the Louisiana State Board of Dentistry, the Louisiana State Board of Examiners of  
 24          Psychologists, the Louisiana Board of Pharmacy, the Louisiana State Board of Social  
 25          Work Examiners, the Emergency Medical Services Certification Commission,  
 26          Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, the  
 27          Louisiana Supreme Court Committee on Bar Admissions, the Louisiana Department  
 28          of Insurance, the Louisiana Licensed Professional Counselors Board of Examiners,  
 29          or any person or entity requesting a record of all criminal arrests and convictions  
 30          pursuant to R.S. 15:587.1, or as otherwise provided by law.

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

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

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

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

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

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

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

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

4           Art. 974. Dissemination of expunged records by third parties; court order

5           A. A private third-party entity, excluding a news-gathering organization, that  
6           compiles and disseminates criminal history information for compensation shall not  
7           disseminate any information in its possession regarding an arrest, conviction, or  
8           other disposition after it has received notice of an issuance of a court order to  
9           expunge the record of any such arrest or conviction. The provisions of this  
10          Paragraph shall not apply to private third-party entities which are regulated by the  
11          Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) or the Gramm-Leach-Bliley Act  
12          (15 U.S.C. 6801-6809).

13          B. The person obtaining the expungement shall send notice of the order of  
14          expungement by certified or registered mail with return receipt requested and a  
15          certified copy of the order of expungement.

16          C. A private third-party entity that publicly disseminates criminal history  
17          information in violation of this Article after having received notice as provided for  
18          in Paragraph B of this Article, may be liable for any actual damages, court costs, and  
19          attorney fees that are incurred by the person whose criminal history was  
20          disseminated.

21          Art. 975. Individuals incarcerated; ineligible to file motion to expunge records

22          Notwithstanding any other provision of law to the contrary, a person in the  
23          custody of the Department of Public Safety and Corrections, or incarcerated in any  
24          correctional facility shall not be permitted to file a motion to expunge a record of an  
25          arrest which did not result in a conviction or to expunge a record of an arrest and  
26          conviction of a misdemeanor or felony offense.

27          Art. 976. Motion to expunge record of arrest that did not result in a conviction

28          A person may file a motion to expunge a record of his arrest for a felony or  
29          misdemeanor offense that did not result in a conviction if any of the following apply:

1           (1) The person was not prosecuted for the offense for which he was arrested,  
2           and the limitations on the institution of prosecution have barred the prosecution for  
3           that offense.

4           (2) The district attorney for any reason declined to prosecute any offense  
5           arising out of that arrest.

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

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

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

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

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

21           B. The motion to expunge a record of arrest and conviction of a  
22           misdemeanor offense shall be served pursuant to the provisions of Code of Criminal  
23           Procedure Article 979.

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

26           (1) The misdemeanor conviction arose from circumstances involving a sex  
27           offense as defined in R.S. 15:541, except that an interim expungement shall be  
28           available as authorized by the provisions of Code of Criminal Procedure Article  
29           985.1.



1                   (2) The misdemeanor conviction was for domestic abuse battery which was  
 2                   not dismissed pursuant to Code of Criminal Procedure Article 894(B).

3                   D.(1) Expungement of a record of arrest and conviction of a misdemeanor  
 4                   offense shall occur only once with respect to any person during a five-year period,  
 5                   unless the person was sentenced pursuant to Code of Criminal Procedure Article  
 6                   894(B).

7                   (2) Expungement of a record of arrest and conviction of a misdemeanor  
 8                   offense of operating a vehicle while intoxicated shall occur only once with respect  
 9                   to any person during a ten-year period.

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

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

14                   (1) The conviction was set aside and the prosecution was dismissed pursuant  
 15                   to Code of Criminal Procedure Article 893(E).

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

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

28                   (1) Unless otherwise permissible under Code of Criminal Procedure Article  
 29                   893(E), a crime of violence as defined by or enumerated in R.S. 14:2(B).

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

6           (b) Any person who was convicted of carnal knowledge of a juvenile (R.S.  
7           14:80) prior to August 15, 2001, is eligible for an expungement pursuant to the  
8           provisions of this Title if the offense for which the offender was convicted would be  
9           defined as misdemeanor carnal knowledge of a juvenile (R.S. 14:80.1) had the  
10           offender been convicted on or after August 15, 2001. The burden is on the mover  
11           to establish that the elements of the offense of conviction are equivalent to the  
12           current definition of misdemeanor carnal knowledge of a juvenile as defined by R.S.  
13           14:80.1. A copy of the order waiving the sex offender registration and notification  
14           requirements issued pursuant to the provisions of R.S. 15:542(F) shall be sufficient  
15           to meet this burden.

16           (3) Unless otherwise permissible under Code of Criminal Procedure Article  
17           893(E), a violation of the Uniform Controlled Dangerous Substances Law, except  
18           that a conviction for possession of a controlled dangerous substance as provided for  
19           in R.S. 40:966(C), 967(C), 968(C), or 969(C), or a conviction for possession of a  
20           controlled dangerous substance with the intent to distribute may be expunged  
21           pursuant to the provisions of this Title.

22           C. The motion to expunge a record of arrest and conviction of a felony  
23           offense shall be served pursuant to the provisions of Code of Criminal Procedure  
24           Article 979.

25           D. Expungement of a record of arrest and conviction of a felony offense  
26           shall occur only once with respect to any person during a fifteen-year period.

27           Art. 979. Service of motion to expunge a record

28           The clerk of court shall serve notice of the motion of expungement by U.S.  
29           mail or electronically upon the following entities:

30           (1) The district attorney of the parish of conviction.

1                   (2) The Louisiana Bureau of Criminal Identification and Information.

2                   (3) The arresting law enforcement agency.

3                   Art. 980. Contradictory hearing

4                   A. Any entity named in Code of Criminal Procedure Article 979 that  
 5                   receives notice of the motion may object to the granting of a motion to expunge a  
 6                   record.

7                   B.(1) Except as provided in Subparagraph (2) of this Paragraph, an objecting  
 8                   party shall file an affidavit of response with reasons for the objection in the record  
 9                   with service to the defendant within sixty days from the date of service of the motion  
 10                   and specifically state the grounds for the objection.

11                   (2) If the Louisiana Bureau of Criminal Identification and Information  
 12                   objects to the granting of the motion to expunge a record, it shall file an affidavit of  
 13                   response with reasons for the objection in the record with service to the defendant  
 14                   within one hundred and twenty days from the date of the service of the motion until  
 15                   August 1, 2015. On August 1, 2015, and thereafter, if the Louisiana Bureau of  
 16                   Criminal Identification and Information objects to the granting of the motion to  
 17                   expunge a record, it shall file an affidavit of response with reasons for the objection  
 18                   in the record with service to the defendant within sixty days from the date of the  
 19                   service of the motion.

20                   C. The court may grant an extension of time to file an objection not to  
 21                   exceed sixty days from the date of service of the motion to expunge a record.

22                   D. Any objection timely filed shall have a contradictory hearing. If an  
 23                   objection is timely filed, the district attorney shall file a motion and order setting the  
 24                   matter for a contradictory hearing. A notice of hearing shall be served on the  
 25                   defendant and those persons provided for in Code of Criminal Procedure Article 979.

26                   E. The objecting agency must show by a preponderance of the evidence why  
 27                   the motion of expungement should not be granted.

28                   F. If no objection is filed by an agency listed under Article 979, the  
 29                   defendant may waive the contradictory hearing, and the court shall grant the motion

1            to expunge the record if the court determines that the mover is entitled to the  
 2            expungement in accordance with law.

3            G. Any agency listed under Article 979 may expressly waive its time period  
 4            to object by filing a formal "No Opposition" into the record.

5            Art. 981. Judgment granting motion to expunge a record of arrest or conviction;  
 6            execution

7            A judgment ordering expungement of a record of arrest or of conviction of  
 8            a misdemeanor or felony offense shall be served as provided for in Code of Criminal  
 9            Procedure Article 982. The judgment shall not affect any persons or other entities  
 10           set forth in Code of Criminal Procedure Article 979 or 982 who have not been served  
 11           with the motion and judgment ordering the expungement of a record.

12           Art. 982. Service of order and judgment of expungement

13           The clerk of court shall serve the order and judgment of expungement of a  
 14           record by U.S. mail or electronically upon all of the following entities:

- 15           (1) The district attorney of the parish of conviction.
- 16           (2) The Louisiana Bureau of Criminal Identification and Information.
- 17           (3) The sheriff of the parish of conviction.
- 18           (4) The arresting agency.

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

21           A. Except as provided for in Code of Criminal Procedure Articles 894 and  
 22           984, the total cost to obtain a court order expunging a record shall not exceed five  
 23           hundred fifty dollars.

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

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

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

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

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

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

11          D.(1) The clerk shall immediately direct the collected processing fee  
 12          provided for in Subparagraph (B)(1) of this Article to the Louisiana Bureau of  
 13          Criminal Identification and Information, and the processing fee amount shall be  
 14          deposited immediately upon receipt into the Criminal Identification and Information  
 15          Fund.

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

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

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

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

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

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

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

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

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

18                   A. A person convicted of operating a vehicle while intoxicated shall be  
 19                   required to supplement the motions required in this Title with proof in the form of  
 20                   a certified letter from the Department of Public Safety and Corrections, office of  
 21                   motor vehicles, that the person has complied with the requirements of this Article.  
 22                   The certified letter shall be attached to the motion to expunge the record of arrest and  
 23                   conviction for operating a vehicle while intoxicated.

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

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

28                   (2) Fingerprints of the defendant.

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

4                   C. An additional fifty dollar court cost shall be assessed at this time against  
5                   the defendant and paid to the Department of Public Safety and Corrections, office of  
6                   motor vehicles, for the costs of storage and retrieval of the records.

7                   Art. 985. Expungement by redaction of records with references to multiple  
8                   individuals

9                   A. If a record includes the name of more than one individual and one or  
10                  more of the individuals is entitled to an expungement of an arrest or conviction  
11                  pursuant to the provisions of this Title, any individual entitled to an expungement  
12                  may petition the court to have records related to the arrest or conviction of the  
13                  individual expunged by redaction.

14                  B. If the court grants the expungement by redaction, the name of the  
15                  individual and all other identifying information regarding the individual granted the  
16                  expungement by redaction shall be redacted from all records regarding the arrest and  
17                  conviction. The redacted records shall be available for public access.

18                  C. The clerk of court shall not be liable for any damages resulting to any  
19                  person or entity as a consequence of expunging or redacting or for the failure to  
20                  expunge or redact any record where the expungement order does not specifically  
21                  identify all locations of the records to be expunged or specify the information to be  
22                  redacted.

23                  Art. 985.1. Interim motion to expunge a felony arrest from criminal history in  
24                  certain cases resulting in a misdemeanor conviction

25                  A. A person may file an interim motion to expunge a felony arrest from his  
26                  criminal history when that original arrest results in a conviction for a misdemeanor.  
27                  In such cases, only the original felony arrest may be expunged.

28                  B. The interim motion to expunge a felony arrest which results in a  
29                  misdemeanor conviction from criminal history is separate and distinct from an

1 expungement of a final conviction pursuant to Code of Criminal Procedure Articles  
2 976, 977, and 978.

3 C. Except as provided in Paragraph D of this Article, an interim motion to  
4 expunge a felony arrest from criminal history shall follow the same procedures and  
5 fees established pursuant to the provisions of Code of Criminal Procedure Article  
6 979, et seq.

7 D. An interim motion to expunge shall not be subject to the time limitations  
8 provided for in Articles 977(A)(2) or 978(A)(2), and there shall be no restriction on  
9 the number of interim expungements which may be granted.

10 Art. 986. Forms for the expungement of records

11 A. Only the forms provided for in Articles 987, 988, 989, 990, 991, 992, 993,  
12 994, and 995 shall be used for filing motions to expunge a record of an arrest which  
13 did not result in a conviction, for the expungement of a record of arrest and  
14 conviction of a misdemeanor or felony offense, or for an interim motion to expunge  
15 a felony offense which resulted in a misdemeanor conviction.

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



1 Art. 987. Motion to set aside conviction and dismiss prosecution; rule to show  
2 cause; order of dismissal forms to be used

3 " **STATE OF LOUISIANA**  
4 **JUDICIAL DISTRICT FOR THE PARISH OF**  
5 \_\_\_\_\_

6 **No.:** \_\_\_\_\_ **Division: " \_\_\_\_\_ "**

7 **State of Louisiana**

8 **vs.**

9 \_\_\_\_\_

10 **MOTION TO SET ASIDE CONVICTION AND**  
11 **DISMISS PROSECUTION**

12 NOW INTO HONORABLE COURT, comes

13  Defendant, OR  
14  Defendant through undersigned Counsel,  
15 who moves that the conviction pursuant to Louisiana Code of Criminal Procedure

16  894(B) Misdemeanors, OR  
17  893(E) Felonies

18 in the above numbered case be set aside and that the prosecution dismissed in  
19 accordance with the Code of Criminal Procedure in that the period of the deferred  
20 sentence has run and petitioner has successfully completed the terms of his  
21 probation.

22 The mover is further identified below:

23 **DOCKET NUMBER:** \_\_\_\_\_

24 **CHARGE:** \_\_\_\_\_

25 **DATE OF ARREST:** \_\_\_\_\_

26 **ARRESTING AGENCY:** \_\_\_\_\_

27 **CITY/PARISH OF ARREST:** \_\_\_\_\_

1                   The Mover prays that, after a contradictory hearing with the District  
 2                   Attorney's Office, the Court order the above numbered case be set aside and that the  
 3                   prosecution dismissed in accordance with the Code of Criminal Procedure.

4                   Respectfully submitted,

5                   \_\_\_\_\_  
 6                   Signature of Attorney for Mover/Defendant

7                   \_\_\_\_\_  
 8                   Attorney for Mover/Defendant Name

9                   \_\_\_\_\_  
 10                  Attorney's Bar Roll No.

11                  \_\_\_\_\_  
 12                  Address

13                  \_\_\_\_\_  
 14                  City, State, ZIP Code

15                  \_\_\_\_\_  
 16                  Telephone Number

17                  **If not represented by counsel:**

18                  \_\_\_\_\_  
 19                  Signature of Mover/Defendant

20                  \_\_\_\_\_  
 21                  Mover/Defendant Name

22                  \_\_\_\_\_  
 23                  Address

24                  \_\_\_\_\_  
 25                  City, State, ZIP Code

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 27                  Telephone Number

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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

\_\_\_\_\_

**No.:** \_\_\_\_\_ **Division:** " \_\_\_\_\_ "

**State of Louisiana**

**vs.**

\_\_\_\_\_

**RULE TO SHOW CAUSE**

**IT IS HEREBY ORDERED**, that the District Attorney show cause on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_m why the foregoing motion should not be granted.

**THUS ORDERED AND SIGNED** this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ at \_\_\_\_\_, Louisiana, \_\_\_\_\_.

\_\_\_\_\_  
JUDGE

PLEASE SERVE:

1. District Attorney: \_\_\_\_\_
2. Attorney for Defendant and/or Defendant \_\_\_\_\_

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

\_\_\_\_\_

**No.:** \_\_\_\_\_ **Division:** " \_\_\_\_\_ "

**State of Louisiana**

**vs.**

\_\_\_\_\_

**ORDER OF DISMISSAL**

Considering the Motion to Set Aside Conviction and Dismiss Prosecution, the hearing conducted on the representation of the State of Louisiana of its consent hereto, and that there is no opposition for any good cause appearing herein;

**IT IS ORDERED, ADJUDGED AND DECREED** that this conviction is set aside and the prosecution dismissed for purposes of expungement.

1                   **THUS ORDERED AND SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 20

2                   \_\_\_\_ at \_\_\_\_\_, Louisiana.

3                   \_\_\_\_\_

4   JUDGE

5                   **PLEASE SERVE:**

6                   1.     District Attorney:\_\_\_\_\_

7                   2.     Attorney for Defendant and/or Defendant \_\_\_\_\_"

8                   Art. 988. Motion for fee exemption form to be used

9                   "   **STATE OF LOUISIANA**

10                                        **JUDICIAL DISTRICT FOR THE PARISH OF**

11                                        \_\_\_\_\_

12                   No.: \_\_\_\_\_   Division: " \_\_\_\_\_"

13   **State of Louisiana**

14   **vs.**

15   \_\_\_\_\_

16   **CERTIFICATION OF FEE WAIVER**

17                    *To be completed by defendant and submitted to the District Attorney's Office prior*

18                    *to filing. Append completed form to Motion of Expungement at filing only if eligible.*

19                   DEFENDANT NAME	
20                   DATE OF BIRTH	
21                   SSN#	
22                   DATE OF ARREST	
23                   DOCKET NUMBER	
24                   CHARGE	

25                   In accordance with Louisiana Code of Criminal Procedure Article 983, the Office of

26                   the District Attorney has reviewed the available databases and determined that

27                   (*Check all that apply. To be completed by authorized personnel from the District*

28                   *Attorney's Office and returned within 15 days to defendant.*):

29                        The arrestee listed above has NO FELONY CONVICTIONS.

30   **AND**

31                        The arrestee listed above has NO PENDING FELONY CHARGES UNDER

32                   A BILL OF INDICTMENT OR INFORMATION.

33   **AND**

34                        The arrestee listed above WAS ACQUITTED after trial of all charges

35                   derived from the arrest listed above, including any lesser and included

36                   offense.

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**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.

\_\_\_\_\_  
District Attorney or his designee - Print Name

\_\_\_\_\_, 20\_\_\_\_"  
District Attorney or his designee - Signature Date

Art. 989. Motion for expungement forms to be used

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

No.: \_\_\_\_\_ Division: " \_\_\_\_\_ "

**State of Louisiana**

**vs.**

\_\_\_\_\_  
**MOTION FOR EXPUNGEMENT**

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

**I. DEFENDANT INFORMATION**

NAME: \_\_\_\_\_  
(Last, First, MI)

DOB: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ (MM/DD/YYYY)

GENDER \_\_\_\_\_ Female \_\_\_\_\_ Male

SSN (last 4 digits): XXX-XX-\_\_\_\_\_

RACE: \_\_\_\_\_

1 DRIVER LIC.# \_\_\_\_\_

2 ARRESTING AGENCY: \_\_\_\_\_

3 SID# (if available): \_\_\_\_\_

4 ARREST NUMBER: \_\_\_\_\_

5 Mover is entitled to expunge the record of his arrest/conviction pursuant to  
6 Louisiana Code of Criminal Procedure 971 et seq. and states the following in  
7 support:

8 **II. ARREST INFORMATION**

9 1. Mover was arrested on \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YYYY)

10 2. \_\_\_\_ YES \_\_\_\_ NO A supplemental sheet with arrests and/or  
11 convictions is attached after page 2 of this  
12 Motion.

13 3. Mover was:  
14 \_\_\_\_ YES \_\_\_\_ NO Arrested, but it did not result in conviction  
15 \_\_\_\_ YES \_\_\_\_ NO Convicted of and seeks to expunge a  
16 misdemeanor  
17 \_\_\_\_ YES \_\_\_\_ NO Convicted of and seeks to expunge a felony

18 4. Mover was booked and/or charged with the following offenses: (List each  
19 offense booked and charged separately. Attach a supplemental sheet, if  
20 necessary.)

21 \_\_\_\_ Yes \_\_\_\_ No **ARRESTS THAT DID NOT RESULT IN CONVICTION**

22 **ITEM NO. 1** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
23 Name of the offense \_\_\_\_\_  
24 ( ) Time expired for prosecution \_\_\_\_\_  
25 (MM/DD/YYYY)  
26 ( ) Not prosecuted for any offense  
27 arising out of this charge.  
28 ( ) Pre-trial Diversion Program.  
29 ( ) DWI Pre-Trial Diversion Program  
30 and 5 years have elapsed since the  
31 date of arrest.  
32 ( ) Charge dismissed  
33 ( ) Found not guilty/judgment of acquittal

34 **ITEM NO. 2** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
35 Name of the offense \_\_\_\_\_  
36 ( ) Time expired for prosecution \_\_\_\_\_  
37 (MM/DD/YYYY)  
38 ( ) Not prosecuted for any  
39 offense arising out of this charge.  
40 ( ) Pre-trial Diversion Program.  
41 ( ) Charge dismissed  
42 ( ) Found not guilty/judgment of acquittal

1                   **ITEM NO. 3**                   La. Rev. Stat. Ann.                   § \_\_\_\_\_ : \_\_\_\_\_  
 2   Name of the offense                   \_\_\_\_\_

3   ( ) Time expired for prosecution     \_\_\_\_\_

4   (MM/DD/YYYY)

5   ( ) Not prosecuted for any offense

6   arising out of this charge.

7   ( ) Pre-trial Diversion Program.

8   ( ) Charge dismissed

9   ( ) Found not guilty/judgment of acquittal

10                   \_\_\_ Yes \_\_\_ No     **MISDEMEANOR CONVICTIONS**

11                   **ITEM NO. 1**                   La. Rev. Stat. Ann.                   § \_\_\_\_\_ : \_\_\_\_\_  
 12   Name of the offense                   \_\_\_\_\_

13   ( ) Conviction set aside/dismissed   \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

14   pursuant to C.Cr.P. Art. 894(B)     (MM/DD/YYYY)

15   ( ) More than 5 years have passed

16   since completion of sentence.

17                   **ITEM NO. 2**                   La. Rev. Stat. Ann.                   § \_\_\_\_\_ : \_\_\_\_\_  
 18   Name of the offense                   \_\_\_\_\_

19   ( ) Conviction set aside/dismissed   \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

20   pursuant to C.Cr.P. Art. 894(B)     (MM/DD/YYYY)

21   ( ) More than 5 years have passed

22   since completion of sentence.

23                   \_\_\_ Yes \_\_\_ No     **FELONY CONVICTIONS**

24                   **ITEM NO. 1**                   La. Rev. Stat. Ann.                   § \_\_\_\_\_ : \_\_\_\_\_  
 25   ( ) Conviction set aside/dismissed   \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

26   pursuant to C.Cr.P. Art. 893(E)     (MM/DD/YYYY)

27   ( ) More than 10 years have passed

28   since completion of sentence

29                   **ITEM NO. 2**                   La. Rev. Stat. Ann.                   § \_\_\_\_\_ : \_\_\_\_\_  
 30   ( ) Conviction set aside/dismissed   \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

31   pursuant to C.Cr.P. Art. 893(E)     (MM/DD/YYYY)

32   ( ) More than 10 years have passed

33   since completion of sentence

34                   \_\_\_ Yes \_\_\_ No     **OPERATING A MOTOR VEHICLE WHILE**  
 35   **INTOXICATED CONVICTIONS**

36                   Mover has attached the following:

37   ( )     A copy of the proof from the Department of Public Safety and

38   Corrections, office of motor vehicles, that it has received from the

39   clerk of court a certified copy of the record of the plea, fingerprints

40   of the defendant, and proof of the requirements set forth in C.Cr.P.

41   Art. 556, which shall include the defendant's date of birth, last four

42   digits of social security number, and driver's license number

43                   5. Mover has attached to this Motion the following pertinent documents:

- 44        Criminal Background Check from the La. State Police/Parish Sheriff
- 45   dated within the past 30 days (required).
- 46        Bill(s) of Information (if any).

- 1  Minute entry showing final disposition of case (if any).
- 2  Certification Letter from the District Attorney for fee waiver (if
- 3 eligible).
- 4  Certification Letter from the District Attorney verifying that the
- 5 applicant has no convictions or pending applicable criminal charges
- 6 in the requisite time periods.
- 7  Certification Letter from the District Attorney verifying that the
- 8 charges were refused.
- 9  Certification Letter from the District Attorney verifying that the
- 10 applicant did not participate in a pretrial diversion program.
- 11  A copy of the order waiving the sex offender registration and
- 12 notification requirements.

13 The Mover prays that if there is no objection timely filed by the arresting law  
14 enforcement agency, the district attorney's office, or the Louisiana Bureau of  
15 Criminal Investigation and Information, that an order be issued herein ordering the  
16 expungement of the record of arrest and/or conviction set forth above, including all  
17 photographs, fingerprints, disposition, or any other such information, which record  
18 shall be confidential and no longer considered a public record, nor be made available  
19 to other persons, except a prosecutor, member of a law enforcement agency, or a  
20 judge who may request such information in writing, certifying that such request is  
21 for the purpose of prosecuting, investigating, or enforcing the criminal law, for the  
22 purpose of any other statutorily defined law enforcement or administrative duties,  
23 or for the purpose of the requirements of sex offender registration and notification  
24 pursuant to the provisions of R.S. 15:541, et seq. or as an order of this Court to any  
25 other person for good cause shown, or as otherwise authorized by law.

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

29 Respectfully submitted,

30 \_\_\_\_\_  
31 Signature of Attorney for Mover/Defendant

32 \_\_\_\_\_  
33 Attorney for Mover/Defendant Name



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\_\_\_\_\_  
Attorney's Bar Roll No.

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

**If not represented by counsel:**

\_\_\_\_\_  
Signature of Mover/Defendant

\_\_\_\_\_  
Mover/Defendant Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

Art. 990. Affidavit of response form to be used

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

**No.:** \_\_\_\_\_ **Division:** " \_\_\_\_\_ "

**State of Louisiana**

**vs.**

\_\_\_\_\_  
**AFFIDAVIT OF RESPONSE**

Pursuant to Louisiana Code of Criminal Procedure Article 980, the District

Attorney for the Parish of \_\_\_\_\_ acknowledges the following:

- No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- Opposition to the Motion of Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

**OR**

1 Pursuant to Louisiana Code of Criminal Procedure Article 980, the Louisiana  
2 Bureau of Criminal Identification and Information acknowledges the following:

3  **No Opposition.** Respondent respectfully consents to waiver of the  
4 contradictory hearing.

5  **Opposition to the Motion of Expungement with Reasons.** Respondent  
6 respectfully requests a contradictory hearing.

7 **OR**

8 Pursuant to Louisiana Code of Criminal Procedure Article 980, the arresting  
9 law enforcement agency\_\_\_\_\_acknowledges the following:

10  **No Opposition.** Respondent respectfully consents to waiver of the  
11 contradictory hearing.

12  **Opposition to the Motion of Expungement with Reasons.** Respondent  
13 respectfully requests a contradictory hearing.

14 Respectfully submitted,

15 \_\_\_\_\_  
16 Signature of Attorney

17 \_\_\_\_\_  
18 Attorney's Bar Roll No.

19 \_\_\_\_\_  
20 Address

21 \_\_\_\_\_  
22 City, State, ZIP Code

23 \_\_\_\_\_  
24 Telephone Number

25 **PLEASE SERVE:**

26 1. District Attorney:\_\_\_\_\_

27 2. Louisiana Bureau of Criminal Identification and Information\_\_\_\_\_

28 3. The Arresting Law Enforcement Agency\_\_\_\_\_





- 1                     Mover has had another record of felony conviction expunged during  
2                    the previous fifteen-year period.
- 3                     Mover was convicted of a misdemeanor which arose from  
4                    circumstances involving a sex offense as defined in R.S. 15:541.
- 5                     Mover was convicted of misdemeanor offense of domestic abuse  
6                    battery which was not dismissed pursuant to Code of Criminal  
7                    Procedure Article 894(B).
- 8                     Mover did not complete pretrial diversion.
- 9                     The charges against the mover were not dismissed or refused.
- 10                   Mover's felony conviction was not set aside and dismissed pursuant  
11                  to Code of Criminal Procedure Article 893(E).
- 12                   Mover's felony conviction was not set aside and dismissed pursuant  
13                  to Code of Criminal Procedure Article 894(B).
- 14                   Mover completed a DWI pretrial diversion program, but five years  
15                  have not elapsed since the mover's date of arrest.
- 16                   Mover's conviction for felony carnal knowledge of a juvenile is not  
17                  defined as misdemeanor carnal knowledge of a juvenile had the  
18                  mover been convicted on or after August 15, 2001.
- 19                   Denial for any other reason provided by law with attached reasons for  
20                  denial.
- 21                   **THE MOTION IS HEREBY GRANTED** for Item(s) No.  
22                  \_\_\_\_\_ and all agencies are ordered to expunge the record of  
23                  arrest/conviction and any photographs, fingerprints, or any other such information  
24                  of any kind maintained in connection with the Arrest(s)/Conviction(s) in the above-  
25                  captioned matter, which record shall be confidential and no longer considered a  
26                  public record, nor be available to other persons except a prosecutor, member of a law  
27                  enforcement agency, or a judge who may request such information in writing  
28                  certifying that such request is for the purpose of prosecuting, investigating, or  
29                  enforcing the criminal law, for the purpose of any other statutorily defined law  
30                  enforcement or administrative duties, or for the purpose of the requirements of sex  
31                  offender registration and notification pursuant to the provisions of R.S. 15:541, et  
32                  seq. or upon an order of this Court to any other person for good cause shown, or as  
33                  otherwise authorized by law.

1 NAME: \_\_\_\_\_  
2 (Last, First, MI)

3 DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

4 GENDER: \_\_\_\_ Female \_\_\_\_ Male

5 SSN (last 4 digits): XXX-XX-\_\_\_\_\_

6 RACE: \_\_\_\_\_

7 DRIVER LIC.# \_\_\_\_\_

8 ARRESTING AGENCY: \_\_\_\_\_

9 SID# (if available): \_\_\_\_\_

10 ARREST NUMBER: \_\_\_\_\_

11 ARREST DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YY)

12 **THUS ORDERED AND SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 20  
13 \_\_\_\_ at \_\_\_\_\_, Louisiana.

14 \_\_\_\_\_  
15 JUDGE

16 **PLEASE SERVE:**

- 17 1. District Attorney: \_\_\_\_\_
- 18 2. Arresting Agency: \_\_\_\_\_
- 19 3. Parish Sheriff: \_\_\_\_\_
- 20 4. Louisiana Bureau of Criminal Identification and Information \_\_\_\_\_
- 21 5. Attorney for Defendant (or defendant) \_\_\_\_\_ "

22 Art. 993. Supplemental forms to be used

23 " **SUPPLEMENTAL SHEET**

24 \_\_\_\_ Yes \_\_\_\_ No **ARRESTS THAT DID NOT RESULT IN CONVICTION**

25 <b>ITEM NO.</b>	La. Rev. Stat. Ann.	§ _____ :	_____
26	Name of the offense		_____
27	( ) Time expired for prosecution		____/____/____
28			(MM/DD/YYYY)
29	( ) Charge refused by DA - not prosecuted.		
30	( ) Pre-trial Diversion Program.		
31	( ) Charge dismissed		
32	( ) Found not guilty/judgment of acquittal		

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.







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**SUPPLEMENTAL SHEET**

\_\_\_\_ **Yes** \_\_\_\_ **No** **FELONY CONVICTIONS**

**ITEM NO.** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
( ) Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
( ) More than 10 years have passed  
since completion of sentence

**ITEM NO.** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
( ) Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
( ) More than 10 years have passed  
since completion of sentence

**ITEM NO.** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
( ) Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
( ) More than 10 years have passed  
since completion of sentence

**ITEM NO.** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
( ) Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
( ) More than 10 years have passed  
since completion of sentence

**ITEM NO.** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
( ) Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
( ) More than 10 years have passed  
since completion of sentence

**ITEM NO.** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
( ) Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
( ) More than 10 years have passed  
since completion of sentence

**ITEM NO.** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
( ) Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
( ) More than 10 years have passed  
since completion of sentence

**ITEM NO.** La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
( ) Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
( ) More than 10 years have passed  
since completion of sentence

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1	<b>ITEM NO.</b>	La. Rev. Stat. Ann.	§ _____ : _____
2		Name of the offense	_____
3		( ) Conviction set aside/dismissed	_____/_____/_____
4		pursuant to C.Cr.P. Art. 893(E)	(MM/DD/YYYY)
5		( ) More than 10 years have passed	
6		since completion of sentence	" "

7 Art. 994. Motion for interim expungement form to be used

8 **"STATE OF LOUISIANA**  
9 **JUDICIAL DISTRICT FOR THE PARISH OF**  
10 \_\_\_\_\_

11 **No.:** \_\_\_\_\_ **Division: " \_\_\_\_\_ "**

12 **State of Louisiana**

13 **vs.**

14 \_\_\_\_\_

15 **MOTION FOR INTERIM EXPUNGEMENT**

16 NOW INTO COURT comes mover, who provides the court with the  
17 following information in connection with this request:

18 **I. DEFENDANT INFORMATION**

19 NAME: \_\_\_\_\_  
20 (Last, First, MI)

21 DOB: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ (MM/DD/YYYY)

22 GENDER \_\_\_\_\_ Female \_\_\_\_\_ Male

23 SSN (last 4 digits): XXX-XX-\_\_\_\_\_

24 RACE: \_\_\_\_\_

25 DRIVER LIC.# \_\_\_\_\_

26 ARRESTING AGENCY: \_\_\_\_\_

27 SID# (if available): \_\_\_\_\_

28 ARREST NUMBER: \_\_\_\_\_

29 Mover is entitled to an interim expungement of the entry of the felony  
30 charge(s) of his arrest pursuant to Louisiana Code of Criminal Procedure Article  
31 985.1 and states the following in support:



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\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

**If not represented by counsel:**

\_\_\_\_\_  
Signature of Mover/Defendant

\_\_\_\_\_  
Mover/Defendant Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

**PLEASE SERVE:**

1. District Attorney \_\_\_\_\_

2. Louisiana Bureau of Criminal Identification and Information \_\_\_\_\_

3. Arresting Agency \_\_\_\_\_ "

Art. 995. Order of interim expungement form to be used

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

**No.:** \_\_\_\_\_

**Division:** " \_\_\_\_\_ "

**State of Louisiana**

**vs.**

\_\_\_\_\_  
**ORDER OF EXPUNGEMENT OF INTERIM ARREST 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 the following reasons (check all that apply):

Mover was not arrested for a felony.



1           Section 4. The Louisiana State Law Institute is hereby directed to delete any  
2 references to R.S. 44:9 in Louisiana law and to make any necessary changes to Louisiana  
3 law to reflect the provisions of this Act.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE

---

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

STATE OF LOUISIANA

NO. \_\_\_\_\_ DIV \_\_\_\_\_

VERSUS

\_\_\_\_\_ JUDICIAL DISTRICT COURT

PARISH OF \_\_\_\_\_

STATE OF LOUISIANA

**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

\_\_\_\_\_  
District Attorney or his designee - Signature

\_\_\_\_\_, 20\_\_\_\_\_  
Date

STATE OF LOUISIANA

NO. \_\_\_\_\_ DIV \_\_\_\_\_

VERSUS

\_\_\_\_\_ JUDICIAL DISTRICT COURT

PARISH OF \_\_\_\_\_

STATE OF LOUISIANA

**MOTION FOR EXPUNGEMENT**

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

**I. DEFENDANT INFORMATION**

NAME: \_\_\_\_\_  
(Last Name) (First Name) (Middle Initial)

DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YYYY)

GENDER: \_\_\_\_\_ Female \_\_\_\_\_ Male

SSN (last 4 digits): XXX-XX-\_\_\_\_\_

RACE: \_\_\_\_\_

DRIVER LIC.#: \_\_\_\_\_

ARRESTING AGENCY: \_\_\_\_\_

SID# (if available): \_\_\_\_\_

ARREST NUMBER (ATN): \_\_\_\_\_

AGENCY ITEM NUMBER: \_\_\_\_\_

Mover is entitled to expunge the record of his arrest/conviction pursuant to Louisiana Code of Criminal Procedure 971 et seq. and states the following in support:

**II. ARREST INFORMATION**

1. Mover was arrested on \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YYYY)

2. YES NO A supplemental sheet with arrests and/or convictions is attached after page 2 of this Motion.

3. Mover was:

YES NO Arrested, but it did not result in conviction  
YES NO Convicted of and seeks to expunge a misdemeanor  
YES NO Convicted of and seeks to expunge a felony

4. Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. **Please number each item numerically beginning with Number 1.** Attach a supplemental sheet, if necessary.)

**Yes No ARRESTS THAT DID NOT RESULT IN CONVICTION**

ITEM NO. \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Time expired for prosecution \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YYYY)  
Not prosecuted for any offense arising out of this charge  
Pre-trial Diversion Program  
DWI Pre-Trial Diversion Program and 5 years have elapsed since the date of arrest  
Charge dismissed  
Found not guilty/judgment of acquittal

ITEM NO. \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Time expired for prosecution \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YYYY)  
Not prosecuted for any offense arising out of this charge  
Pre-trial Diversion Program  
DWI Pre-Trial Diversion Program and 5 years have elapsed since the date of arrest  
Charge dismissed  
Found not guilty/judgment of acquittal



ITEM NO. \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
 Name of the offense \_\_\_\_\_

Time expired for prosecution \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YYYY)  
 Not prosecuted for any offense arising out of this charge  
 Pre-trial Diversion Program  
 DWI Pre-Trial Diversion Program and 5 years have elapsed since the date of arrest  
 Charge dismissed  
 Found not guilty/judgment of acquittal

**Yes No MISDEMEANOR CONVICTIONS**

ITEM NO. \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
 Name of the offense \_\_\_\_\_

Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)  
 More than 5 years have passed since complete of sentence.

ITEM NO. \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
 Name of the offense \_\_\_\_\_

Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)  
 More than 5 years have passed since complete of sentence.

**Yes No FELONY CONVICTIONS**

ITEM NO. \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
 Name of the offense \_\_\_\_\_

Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
 More than 10 years have passed since complete of sentence.

ITEM NO. \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
 Name of the offense \_\_\_\_\_

Conviction set aside/dismissed \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Pursuant to C.Cr.P. Art. 893 (E) (MM/DD/YYYY)  
 More than 10 years have passed since complete of sentence.

**Yes No OPERATING A MOTOR VEHICLE WHILE INTOXICATED CONVICTIONS**

Mover has attached the following:

A certified letter of compliance in accordance with C.Cr.P. Art. 984 from the Department of Public Safety and Corrections, office of motor vehicles that it has received from the clerk of court a certified copy of the record of the plea, fingerprints of the defendant, and proof of the requirements set forth in C.Cr.P. Art. 556, which shall include the defendant's date of birth, last four digits of social security number, and driver's license number

5. Mover has attached to this Motion the following pertinent documents:

Criminal Background Check from the La. State Police/Parish Sheriff dated within the past 30 days (required).

Bill(s) of Information (if any).

Minute entry showing final disposition of case (if any).

Certification Letter from the District Attorney for fee waiver (if eligible).

Certification Letter from the District Attorney verifying that the applicant has no convictions or pending applicable criminal charge in the requisite time periods.

Certification Letter from the District Attorney verifying that the charges were refused.

Certification Letter from the District Attorney verifying that the applicant did not participate in a pretrial diversion program.

A copy of the order waiving the sex offender registration and notification requirements.

**Yes**      **No**      Mover was arrested with another individual.

The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the district attorney's office, or the Louisiana Bureau of Criminal Investigation and Information, that an order be issued herein ordering the expungement of the record of arrest and/or conviction set forth above, including all photographs, fingerprints, disposition, or any other such information, which record shall be confidential and no longer considered a public record, nor be made 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 as an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

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

Respectfully submitted,

\_\_\_\_\_  
Signature of Attorney for Mover/Defendant

\_\_\_\_\_  
Print Name of Attorney

\_\_\_\_\_  
Attorney's Bar Roll No.

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

**If not represented by counsel:**

\_\_\_\_\_  
Signature of Mover/Defendant

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

STATE OF LOUISIANA

NO. \_\_\_\_\_ DIV \_\_\_\_\_

VERSUS

\_\_\_\_\_ JUDICIAL DISTRICT COURT

PARISH OF \_\_\_\_\_

\_\_\_\_\_

STATE OF LOUISIANA

**AFFIDAVIT OF RESPONSE**

Pursuant to Louisiana Code of Criminal Procedure Article 980, the District Attorney for the Parish of \_\_\_\_\_ acknowledges the following:

**No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.

**Opposition to the Motion of Expungement/Interim Expungement with Reasons.**  
Respondent respectfully requests a contradictory hearing.

**OR**

Pursuant to Louisiana Code of Criminal Procedure Article 980, the Louisiana Bureau of Criminal Identification and Information acknowledges the following:

**No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.

**Opposition to the Motion of Expungement/Interim Expungement with Reasons.**  
Respondent respectfully requests a contradictory hearing.

**OR**

Pursuant to Louisiana Code of Criminal Procedure Article 980, the arresting law enforcement agency \_\_\_\_\_ acknowledges the following:

**No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.

**Opposition to the Motion of Expungement/Interim Expungement with Reasons.**  
Respondent respectfully requests a contradictory hearing.

Respectfully submitted,

\_\_\_\_\_  
Signature of District Attorney

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Louisiana Bureau of Criminal Identification and Information

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of the Arresting Law Enforcement Agency

\_\_\_\_\_  
Print Name

STATE OF LOUISIANA

NO. \_\_\_\_\_ DIV \_\_\_\_\_

VERSUS

\_\_\_\_\_ JUDICIAL DISTRICT COURT

PARISH OF \_\_\_\_\_

\_\_\_\_\_

STATE OF LOUISIANA

**ORDER**

**IT IS HEREBY ORDERED,**

If there is an objection to the Motion for Expungement/Interim Expungement, the district attorney and the arresting law enforcement agency shall file a motion to object within 60 days of the service of this Order.

If the Louisiana Bureau of Criminal Identification and Information objects to the Motion for Expungement/Interim Expungement, they shall file a motion within 60 days of service of this Order.

**NO CONTRADICTORY HEARING SHALL BE REQUIRED** as evidenced by the "Affidavit of No Opposition" executed by each agency named herein and attached to the Motion for Expungement/Interim Expungement.

**THUS ORDERED AND SIGNED** this \_\_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_ at \_\_\_\_\_, Louisiana.

\_\_\_\_\_  
JUDGE

\_\_\_\_\_  
Print Name

**PLEASE SERVE THE FOLLOWING:**

1) District Attorney: \_\_\_\_\_  
(Name and Address)

2) LA Bureau of Criminal Identification and Information: Louisiana State Police,  
Superintendent of Records, 7919 Independence Blvd., Baton Rouge, LA 70806

3) Arresting Agency: \_\_\_\_\_  
(Name and Address)

**CERTIFICATE OF SERVICE**

Pursuant to LA CCrP Article 979, I hereby certify that I have served the foregoing Motion for Expungement/Interim Expungement, Affidavit of Response and Order to the named entities as listed above on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by:

Placing in U.S. Mail

Electronic Transmission

\_\_\_\_\_  
Deputy Clerk of Court

Parish of \_\_\_\_\_

STATE OF LOUISIANA

NO. \_\_\_\_\_ DIV \_\_\_\_\_

VERSUS

\_\_\_\_\_ JUDICIAL DISTRICT COURT

PARISH OF \_\_\_\_\_

\_\_\_\_\_

STATE OF LOUISIANA

**RULE TO SHOW CAUSE**

**IT IS HEREBY ORDERED** that the District Attorney show cause on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_m why the foregoing motion should not be granted.

**THUS ORDERED AND SIGNED** this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ at \_\_\_\_\_, Louisiana.

\_\_\_\_\_

JUDGE

\_\_\_\_\_

Print Name

**PLEASE SERVE:**

1. District Attorney: \_\_\_\_\_
2. Attorney for Defendant and/or Defendant \_\_\_\_\_

STATE OF LOUISIANA

NO. \_\_\_\_\_ DIV \_\_\_\_\_

VERSUS

\_\_\_\_\_ JUDICIAL DISTRICT COURT

PARISH OF \_\_\_\_\_

\_\_\_\_\_

STATE OF LOUISIANA

**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 Item(s) No. \_\_\_\_\_  
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 La. Rev. Stat. Ann. 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 La. Rev. Stat. Ann. 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 has had another record of misdemeanor conviction expunged during the previous five-year period.

The record of arrest and conviction which Mover seeks to have expunged is for operating a motor vehicle while intoxicated and Mover has had another record of arrest and misdemeanor conviction expunged during the previous ten-year period.

Mover has had another record of felony conviction expunged during the previous fifteen-year period.

Mover was convicted of a misdemeanor which arose from circumstances involving or is the result of an arrest for a sex offense as defined in R.S. 15:541.

Mover was convicted of a domestic abuse battery.

Mover was convicted of misdemeanor stalking as defined in R.S. 14:40.2

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 Code of Criminal Procedure Article 893(E).



**THUS ORDERED AND SIGNED** this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

at \_\_\_\_\_, Louisiana.

\_\_\_\_\_  
JUDGE

\_\_\_\_\_  
Print Name

**PLEASE SERVE THE FOLLOWING:**

1. District Attorney: \_\_\_\_\_  
(Name and Address)

2. Louisiana Bureau of Criminal Identification and Information: Louisiana State Police, Superintendent of Records, 7919 Independence Blvd., Baton Rouge, LA 70806

3. Arresting Agency: \_\_\_\_\_  
(Name and Address)

4. Sheriff: \_\_\_\_\_  
(Name and Address)

5. Attorney for Defendant (or defendant): \_\_\_\_\_  
\_\_\_\_\_  
(Name and Address)

6. Clerk of Court: \_\_\_\_\_  
(Name and Address)

**CERTIFICATE OF SERVICE**

Pursuant to LA CCrP Article 979, I hereby certify that I have served the foregoing Order of Expungement to the named entities as listed above on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by:

Placing in U.S. Mail

Electronic Transmission

\_\_\_\_\_  
Deputy Clerk of Court

Parish of \_\_\_\_\_



STATE OF LOUISIANA

NO. \_\_\_\_\_ DIV \_\_\_\_\_

VERSUS

\_\_\_\_\_ JUDICIAL DISTRICT COURT

PARISH OF \_\_\_\_\_

STATE OF LOUISIANA

**MOTION FOR INTERIM EXPUNGEMENT**

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

**I. DEFENDANT INFORMATION**

NAME: \_\_\_\_\_  
(Last Name) (First Name) (MI)

DOB: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ (MM/DD/YYYY)

GENDER: \_\_\_\_\_ Female \_\_\_\_\_ Male

SSN (last 4 digits): XXX-XX-\_\_\_\_\_

RACE: \_\_\_\_\_

DRIVER LIC.#: \_\_\_\_\_

ARRESTING AGENCY: \_\_\_\_\_

SID# (if available): \_\_\_\_\_

ARREST NUMBER (ATN): \_\_\_\_\_

AGENCY ITEM NUMBER: \_\_\_\_\_

Mover is entitled to an interim expungement of the entry of the felony charge(s) of his arrest pursuant to Louisiana Code of Criminal Procedure Article 985.1 and states the following in support:

**II. ARREST INFORMATION**

1. Mover was arrested on \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ (MM/DD/YYYY)

2. YES NO A supplemental sheet with arrests and/or convictions is attached after page 2 of this Motion.

3. Mover was:  
YES NO Arrested for a felony offense.  
YES NO Convicted of a misdemeanor arising out of that felony offense.

4. Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. **Please number each item numerically beginning with Number 1.** Attach a supplemental sheet, if necessary.)

Yes No **FELONY ARREST THAT RESULTED IN A MISDEMEANOR CONVICTION**

ITEM NO. \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ (MM/DD/YYYY)  
Felony charge dismissed.  
Convicted of misdemeanor offense arising out of felony arrest.

5. Mover has attached to his Motion a criminal background check from the Louisiana State Police/Parish Sheriff dated within the past thirty days (required).

The mover prays that if there is no objection timely filed by the arresting law enforcement agency, the District Attorney's Office, or the Louisiana Bureau of Criminal Identification and Information, that an order be issued herein ordering the Louisiana Bureau of Identification and Investigation to expunge the entry of the felony charge(s) listed contained in the criminal history; and further that the Clerk of Court, District Attorney, and arresting law enforcement agency expunge the entry of those felony charge(s) from any public indices.

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

Respectfully submitted,

\_\_\_\_\_  
Signature of Attorney for Mover/Defendant

\_\_\_\_\_  
Print Name of Attorney

\_\_\_\_\_  
Attorney's Bar Roll No.

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

**If not represented by counsel:**

\_\_\_\_\_  
Signature of Mover/Defendant

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

STATE OF LOUISIANA

NO. \_\_\_\_\_ DIV \_\_\_\_\_

VERSUS

\_\_\_\_\_ JUDICIAL DISTRICT COURT

PARISH OF \_\_\_\_\_

STATE OF LOUISIANA

**ORDER OF EXPUNGEMENT OF INTERIM ARREST 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 the following reasons (check all that apply):

Mover was not arrested for a felony.

Mover was not convicted of a misdemeanor offense.

**THE MOTION IS HEREBY GRANTED** and the Louisiana Bureau of Criminal Identification and Information is hereby ordered to expunge the entry of the felony charge(s) contained in the criminal history of the above-named for the following felony charge(s):

La. R.S. \_\_\_\_\_: \_\_\_\_\_

Name of Offense \_\_\_\_\_

La. R.S. \_\_\_\_\_: \_\_\_\_\_

Name of Offense \_\_\_\_\_

**IT IS FURTHER ORDERED** that the Clerk of Court, District Attorney and arresting agency expunge the entry of the felony charge(s) from any public indices of the above-named on the above enumerated charge(s).

**THUS ORDERED AND SIGNED** this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ at \_\_\_\_\_, Louisiana.

\_\_\_\_\_  
JUDGE

\_\_\_\_\_  
Print Name

**PLEASE SERVE THE FOLLOWING:**

1. District Attorney: \_\_\_\_\_  
(Name and Address)

2. Louisiana Bureau of Criminal Identification and Information: Louisiana State Police, Superintendent of Records, 7919 Independence Blvd., Baton Rouge, LA 70806

3. Arresting Agency: \_\_\_\_\_  
(Name and Address)

4. Sheriff: \_\_\_\_\_  
(Name and Address)

5. Attorney for Defendant (or defendant): \_\_\_\_\_  
\_\_\_\_\_  
(Name and Address)

6. Clerk of Court: \_\_\_\_\_  
(Name and Address)

**CERTIFICATE OF SERVICE**

Pursuant to LA CCrP Article 979, I hereby certify that I have served the foregoing Order of Expungement of Interim Arrest Record to the named entities as listed above on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by:

Placing in U.S. Mail

Electronic Transmission

\_\_\_\_\_  
Deputy Clerk of Court

Parish of \_\_\_\_\_

**SUPPLEMENTAL SHEET**

\_\_\_ Yes \_\_\_ No

**ARRESTS THAT DID NOT RESULT IN CONVICTION**

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Time expired for prosecution \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(MM/DD/YYYY)  
Charge refused by DA - not prosecuted.  
Pre-trial Diversion Program.  
Charge dismissed  
Found not guilty/judgment of acquittal

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Time expired for prosecution \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(MM/DD/YYYY)  
Charge refused by DA - not prosecuted.  
Pre-trial Diversion Program.  
Charge dismissed  
Found not guilty/judgment of acquittal

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Time expired for prosecution \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(MM/DD/YYYY)  
Charge refused by DA - not prosecuted.  
Pre-trial Diversion Program.  
Charge dismissed  
Found not guilty/judgment of acquittal

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Time expired for prosecution \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(MM/DD/YYYY)  
Charge refused by DA - not prosecuted.  
Pre-trial Diversion Program.  
Charge dismissed  
Found not guilty/judgment of acquittal

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Time expired for prosecution \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(MM/DD/YYYY)  
Charge refused by DA - not prosecuted.  
Pre-trial Diversion Program.  
Charge dismissed  
Found not guilty/judgment of acquittal

**SUPPLEMENTAL SHEET**

\_\_\_\_\_ **Yes** \_\_\_\_\_ **No**    **FELONY CONVICTIONS**

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
More than 10 years have passed since completion of sentence

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
More than 10 years have passed since completion of sentence

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
More than 10 years have passed since completion of sentence

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
More than 10 years have passed since completion of sentence

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
More than 10 years have passed since completion of sentence

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
More than 10 years have passed since completion of sentence

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
More than 10 years have passed since completion of sentence

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)  
More than 10 years have passed since completion of sentence

**SUPPLEMENTAL SHEET**

\_\_\_ Yes \_\_\_ No    **MISDEMEANOR CONVICTIONS**

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)  
More than 5 years have passed since completion of sentence.

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)  
More than 5 years have passed since completion of sentence.

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)  
More than 5 years have passed since completion of sentence.

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)  
More than 5 years have passed since completion of sentence.

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)  
More than 5 years have passed since completion of sentence.

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)  
More than 5 years have passed since completion of sentence.

**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)  
More than 5 years have passed since completion of sentence.

**TRANSMITTAL OF RECORDS FOR EXPUNGEMENT OF DWI  
PURSUANT TO C.Cr.P. Art 984**

\_\_\_\_\_  
Clerk of Court

\_\_\_\_\_  
Judicial District

\_\_\_\_\_  
Parish

\_\_\_\_\_  
Date

OFFICE OF MOTOR VEHICLES  
P.O. BOX 64886  
BATON ROUGE, LA 70896

NAME: \_\_\_\_\_ DRIVER'S LICENSE #: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ OFFENSE DATE: \_\_\_\_\_

SS#: \_\_\_\_\_ DOCKET NO.: \_\_\_\_\_

TICKET NO: \_\_\_\_\_

Attached is a certified copy of the court minutes, original/certified copy of fingerprints and proof of the requirements as set forth in the Code of Criminal Procedure Article 556.1. Additionally, a \$50.00 money order or certified funds made payable to the office of motor vehicles, in reference to the above named defendant is attached; or

Attached is a copy of the certified letter received from the office of motor vehicles indicating that all of the required documents were previously filed in conjunction with the requirements of Code of Criminal Procedure Article 894 and are on file. Additionally, a \$50.00 money order or certified funds made payable to the office of motor vehicles is attached.

***NOTE: Do not use this form to submit records of a DWI plea pursuant to Code of Criminal Procedure Article 894(A)(5).***

**TRANSMITTAL OF RECORDS OF DWI PLEA PURSUANT TO ARTICLE 894**

\_\_\_\_\_  
Clerk of Court

\_\_\_\_\_  
Judicial District

\_\_\_\_\_  
Parish

\_\_\_\_\_  
Date

OFFICE OF MOTOR VEHICLES  
P.O. BOX 64886  
BATON ROUGE, LA 70896

NAME: \_\_\_\_\_ DRIVER'S LICENSE #: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ OFFENSE DATE: \_\_\_\_\_

SS#: \_\_\_\_\_ DOCKET NO.: \_\_\_\_\_

TICKET NO: \_\_\_\_\_

Attached is a certified copy of the court minutes, original/certified copy of fingerprints and proof of the requirements as set forth in the Code of Criminal Procedure Article 556.1, as well as a \$50.00 money order or certified funds made payable to the office of motor vehicles, in reference to the above named defendant is attached.

***NOTE: Do not use this form to submit records of a DWI expungement pursuant to Code of Criminal Procedure Article 894.***



STATE OF LOUISIANA

NO. \_\_\_\_\_ DIV \_\_\_\_\_

VERSUS

\_\_\_\_\_ JUDICIAL DISTRICT COURT

PARISH OF \_\_\_\_\_

\_\_\_\_\_

STATE OF LOUISIANA

**MOTION TO SET ASIDE CONVICTION AND  
DISMISS PROSECUTION**

**NOW INTO HONORABLE COURT**, comes

Defendant, OR

Defendant through undersigned Counsel,

who moves that the conviction pursuant to Louisiana Code of Criminal Procedure

894(B) Misdemeanors, OR

893(E) Felonies

in the above numbered case be set aside and that the prosecution dismissed in accordance with the Code of Criminal Procedure in that the period of the deferred sentence has run and petitioner has successfully completed the terms of his probation.

The mover is further identified below:

DOCKET NUMBER: \_\_\_\_\_

CHARGE: \_\_\_\_\_

DATE OF ARREST: \_\_\_\_\_

ARRESTING AGENCY: \_\_\_\_\_

CITY/PARISH OF ARREST: \_\_\_\_\_

The Mover prays that, after a contradictory hearing with the District Attorney's Office, the Court order the above numbered case be set aside and that the prosecution dismissed in accordance with the Code of Criminal Procedure.

Respectfully submitted,

\_\_\_\_\_  
Signature of Attorney for Mover/Defendant

\_\_\_\_\_  
Print Name of Attorney

\_\_\_\_\_  
Attorney's Bar Roll No.

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

**If not represented by counsel:**

\_\_\_\_\_  
Signature of Mover/Defendant

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

STATE OF LOUISIANA

NO. \_\_\_\_\_ DIV \_\_\_\_

VERSUS

\_\_\_\_\_ JUDICIAL DISTRICT COURT

PARISH OF \_\_\_\_\_

\_\_\_\_\_

STATE OF LOUISIANA

**ORDER OF DISMISSAL**

Considering the Motion to Set Aside Conviction and Dismiss Prosecution, the hearing conducted on the representation of the State of Louisiana of its consent hereto, and that there is no opposition for any good cause appearing herein;

**IT IS ORDERED, ADJUDGED AND DECREED** that this conviction is set aside and the prosecution dismissed for purposes of expungement.

**THUS ORDERED AND SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_  
at \_\_\_\_\_, Louisiana.

\_\_\_\_\_

JUDGE

\_\_\_\_\_

Print Name

**PLEASE SERVE:**

1. District Attorney: \_\_\_\_\_

2. Attorney for Defendant and/or Defendant: \_\_\_\_\_