

# EXPUNGEMENT PROCEDURES

Act 145 - Effective August 1, 2014

## Costs At Time of Filing (These fees are nonrefundable)

1. \$200.00 money order payable to Clerk of Court
2. \$250.00 money order payable to Louisiana Bureau of Criminal Identification/Information
3. \$ 50.00 money order payable to Caddo Parish Sheriff
4. \$ 50.00 money order payable to Caddo Parish District Attorney

## General Information

- By law, the Clerk of Court shall not provide any legal advice on how to prepare legal documents. You will either need to speak to an attorney or research the 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 forwarded to a Judge for review, and a hearing date may be set. You and/or your attorney will need to be present in court on that day. The Clerk of Court will mail a notice of the court date, so please include a valid mailing address 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 obtain certified copies of any filings needed. Certified copies are \$1.00 per page plus an additional \$5.00 for certification of each copy. Please be sure to obtain an adequate number of copies, as you may be unable to obtain copies once the files have been removed from public record.
- The State of Louisiana, the District Attorney and the Sheriff will be served with a copy of the Judgment, but you will be responsible for serving any other agency with information about your charge on file.
- An expungement must be filed for EACH arrest.
- Please allow 6 months for the completion of your expungement.

## Forms

Forms provided by the Louisiana Supreme Court are available on our website at <http://www.caddoclerk.com> on the Criminal Court page. These forms may be filled out online and printed, or printed and filled out by hand. Please have your forms prepared in advance to save time and make your visit shorter. We have provided form packets online for each type of expungement for your convenience.

## EXPUNGEMENT CHECKLIST

### PLEASE KEEP THESE FORMS IN ORDER

#### Items to Attach to Motion for Expungement

- \$200.00 Money order payable to Clerk of Court
- \$250.00 Money Order payable to Louisiana Bureau of Criminal Identification/Information
- Copy of Motion for Expungement for Louisiana Bureau of Criminal Identification/Information
- \$50.00 Money Order payable to Caddo Parish Sheriff
- Copy of Motion for Expungement for Caddo Parish Sheriff
- \$50.00 Money Order payable to Caddo Parish District Attorney
- Copy of Motion for Expungement for Caddo Parish District Attorney
- Rule to Show Cause
- Order(s) (Depends on type of expungement)
- Criminal Background Check from Caddo Parish Sheriff's Office dated within the past thirty (30) days. (Fee may be required)
- Bill of Information from the Caddo Parish Clerk of Court
- Case Minutes from the Caddo Parish Clerk of Court

#### Items that may be required from the Caddo Parish Clerk of Court:

- For DWI with granted Article 894: Copy of letter from the Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles
- Copy of Order waiving the Sex Offender Registration and Notification Requirements

#### Items that may be required from the District Attorney's Office:

- Certification Letter for Fee Waiver (if eligible)
- Certification Letter verifying that applicant has no convictions or pending applicable criminal charge in the requisite time periods.
- Certification Letter verifying that the charges were refused.
- Certification Letter verifying that the applicant did not participate in a Pre-trial Diversion Program.

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
- YES NO Convicted but determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8

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.

Documentation verifying that the mover has been employed for ten consecutive years.

A copy of the court order determination of factual innocence and order of compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8 if applicable.

**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

**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  
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**ITEM NO.** \_\_\_\_\_ La. Rev. Stat. Ann. § \_\_\_\_\_ : \_\_\_\_\_  
Name of the offense \_\_\_\_\_  
Time expired for prosecution \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(MM/DD/YYYY)  
Charge refused by DA - not prosecuted.  
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**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    **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)  
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Name of the offense \_\_\_\_\_  
Conviction set aside/dismissed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)  
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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.

**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

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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



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

**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**

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 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 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, the district attorney and the arresting law enforcement agency shall file a motion to object within sixty days of the service of this Order.

If the Louisiana Bureau of Criminal Identification and Information objects to the Motion for 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.

**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, 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

**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).

Mover's misdemeanor conviction was not set aside and dismissed pursuant to Code of Criminal Procedure Article 894(B).

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

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

Mover has not been employed for ten consecutive years as required by Article 978(E)(1)(d).

Mover was not convicted of a crime that would be eligible for expungement as required by Article 978(E)(1).

Mover has criminal charges pending against him.

Mover was convicted of a criminal offense during the ten-year period.

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

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

**THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY REDACTION** If the record includes more than one individual and the mover is entitled to expungement by redaction pursuant to Code of Criminal Procedure Article 985, for Item(s) No. \_\_\_\_\_ and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the above-captioned matter as they relate to the mover only. The record shall be confidential and no longer considered a public record, nor be available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S.15:541 et seq. or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

NAME: \_\_\_\_\_  
(Last 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: \_\_\_\_\_

ARREST DATE: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ (MM/DD/YYYY)

**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

**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