

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 sixty (60) 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 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 NO: _____

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 sixty 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 Criminal Identification and Information 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

SUPPLEMENTAL SHEET

_____ **Yes** _____ **No** **FELONY CONVICTIONS**

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

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

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

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

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

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

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

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

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 _____

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

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