

MARIJUANA FIRST OFFENSE EXPUNGEMENT PROCEDURES

Act 342 - Effective August 1, 2023

Costs At Time of Filing (These fees are nonrefundable)

1. **\$150.00** money order payable to **Caddo Parish Clerk of Court**
2. **\$50.00** 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 the motion is filed with the Clerk of Court, it will be forwarded to a Judge for review
- If the Judge grants the expungement, you will be notified via mail.
- 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 Order of Expungement, but you will be responsible for serving any other agency with information about your charge on file.
- Normally, the expungement process takes 6 months.

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.

STATE OF LOUISIANA

NO. _____ DIV _____

_____JUDICIAL DISTRICT COURT

VERSUS

PARISH OF _____

STATE OF LOUISIANA

MOTION FOR EXPUNGEMENT FOR MISDEMEANOR CONVICTION FOR A
FIRST OFFENSE POSSESSION OF MARIJUANA

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: _____

DRIVER LIC.# _____

ARRESTING AGENCY: _____

SID# (if available): _____

ARREST NUMBER (ATN): _____

AGENCY ITEM NO.: _____

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

II. MISDEMEANOR CONVICTION FOR A FIRST OFFENSE POSSESSION OF
MARIJUANA

1. Mover was convicted on _____ / _____ / _____ (MM/DD/YYYY)

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 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

Attorney for Mover/Defendant Name

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

STATE OF LOUISIANA

VERSUS

NO. _____ DIV _____

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

VERSUS

NO. _____ DIV _____

_____ 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 _____

NO. _____ DIV _____

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

FIRST OFFENSE POSSESSION OF MARIJUANA

☐ Affidavits of No Opposition filed,

☐ **THE MOTION IS HEREBY GRANTED** for a Misdemeanor Conviction for a First Offense Possession of Marijuana 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/Conviction 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.

DOB: ____/____/____ (MM/DD/YYYY)

SSN (last 4 digits): XXX-XX-

DRIVER LIC.#: _____

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

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 _____