

HOW TO HANDLE YOUR EXPUNGEMENT





This guide contains relevant information for the following parishes, and courts:

Orleans Parish

- Orleans Parish Criminal District Court
- New Orleans Municipal Court
- New Orleans Traffic Court

Jefferson Parish

- Jefferson Parish District Court
- First Parish Court
- Second Parish Court

St. Tammany Parish

- St. Tammany Parish District Court
- Slidell City Court

Washington Parish

- Washington Parish District Court
- Bogalusa City Court

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ABOUT JAC

The Justice and Accountability Center of Louisiana (JAC), founded in 2011, addresses pervasive problems in the post-conviction phase of the criminal justice system and creates a supportive, collaborative space for attorneys and advocates.

The lack of access to appropriate services in the post-conviction phase of the criminal justice system and the lack of support for a positive reentry for people previously incarcerated are contrary to notions of fairness and justice. JAC envisions a just society where individuals have affordable access to necessary services. JAC has three goals for supporting a just community.

JUSTICE: Our first and immediate goal is to promote access to justice through legal services and related community education. JAC's legal services increase the likelihood of successful reentry and decrease recidivism rates. Throughout the year, JAC offers community education workshops, classes, and events for the general public, attorneys, stakeholders, policy makers, and the media on various criminal justice issues, including expungement, reentry, indigent defense funding and more.

ACCOUNTABILITY: Our second intermediate goal is to promote systemic change that will positively impact the lives of those previously incarcerated. JAC collects data to use for systemic reform through litigation, legislation, and policy advocacy. By tracking trends and highlighting deficiencies, we can provide the first step toward lasting change.

THE CENTER: Our third and long-term goal is to deconstruct the current model of legal practice and create a space for attorneys and advocates to come together. Through a collaborative approach, attorneys share intellectual resources, develop best practices and strategize avenues for meaningful representation.

BACKGROUND

The state of Louisiana arrests and incarcerates more people per capita than any other place in the world. A mere arrest creates a criminal record, regardless of whether any criminal charges were filed. These records are publicly available and widely used to deny employment, housing, education and training opportunities among others. Massive segments of our population face tremendous social and legal barriers to successful re-entry as a result of these discriminatory policies.

The Justice and Accountability Center of Louisiana responds to the legal needs of previously incarcerated populations in Louisiana who are marginalized by social stigma while changing the way lawyers provide services to those unable to afford private representation.

DID YOU KNOW?

- The poverty rate would drop by 20% but for mass incarceration. ¹
- Louisiana incarcerates more people, per capita, than anywhere else in the world. ²
- One out of every 55 Louisiana residents is incarcerated. ³
- African-American men are incarcerated with more frequency than any other racial group. ⁴
- In 2015, 90% of arrests in Louisiana were for non-violent⁵ crimes. ⁶
- Nearly 92% of large employers checked for criminal histories of potential employees in 2010. ⁷
- One in three Americans has been arrested by age 23. ⁸
- The United States spends \$65 Billion per year on incarceration. ⁹

1. The Sentencing Project. "Americans with Criminal Records," November 2015.

2. Tim Morris. "Louisiana's incarceration rate is No. 1 in nation," Times-Picayune, March 2, 2009.

3. Id.

4. NAACP. Criminal Justice Fact Sheet. Available at: <http://goo.gl/ZQ5pXo>. Last Accessed April 2016.

5. Violent offenses in Louisiana include 46 offenses that are listed under LA. REV. STAT. ANN. §14:2, which includes murder, rape, kidnapping, robbery, and similar offenses.

6. Federal Bureau of Investigation, Unified Crime Reporting Index by State in 2014. Available at: <https://goo.gl/2ODIRP>. Last Accessed April 2016.

7. Society for Human Resources Management, Background Checking: Conducting Criminal Background Checks (Jan. 22, 2010), at 3.

8. The Wall Street Journal. "How Many Americans Have a Police Record? Probably More Than You Think." August 7, 2015.

9. The Sentencing Project. "Americans with Criminal Records," November 2015.

HOW TO USE THIS GUIDE

This guide provides basic information about how to seal (expunge) a record of arrest or conviction in Louisiana's Orleans, Jefferson, St. Tammany, and Washington Parishes. In the limited circumstances where expungement is possible, the process is relatively simple and usually can be managed without the help of a lawyer. This guide is intended to provide support to people helping themselves.

You can also download our expungement app, Clean Jacket App, for FREE from GooglePlay or iTunes, or visit the Clean Jacket App online at www.JACLouisiana.org. The app will let you know the situations in which you are unlikely to be successful in obtaining an expungement. Both the mobile and desktop Clean Jacket App will provide you with information and complete the forms necessary for you to file for an expungement.

CAUTION

The following information in this guide is not a substitute for legal advice nor does it give advice about a particular legal problem that you may have. This guide provides a non-specific overview of the expungement process. While an attorney is not needed to obtain an expungement, the help of a lawyer or someone who has experience guiding others through the process is recommended. Talk to a lawyer if you think you need the help. Resources can be found on page 32.



The information in this guide is accurate as of October 2016, but laws often change. Please check our website, www.JACLouisiana.org, for updates or contact a lawyer for individual legal advice.



NAVIGATING EXPUNGEMENT

IN LOUISIANA

The following is a general overview to the expungement process. The expungement process can be broken up into several steps. See pages 14-31 for specific information on what is required by your court to file for an expungement. This is informational and does not constitute legal advice. Always consult with an attorney for advice on your particular situation.

“Expungement” means an individual’s criminal record is sealed, but not destroyed.

STEP 1: GATHER YOUR PAPERWORK

You should start by requesting a copy of the minutes of your case from the clerk of court’s office in the parish where you were arrested or convicted. The minutes are a record of what happened in court in shorthand. They contain valuable information that will allow you (or your attorney) to determine eligibility. Please review pages 14-31 to determine what paperwork is required to file for an expungement in your particular court. You must attach this paperwork to your expungement motion when you file.

STEP 2: DETERMINE ELIGIBILITY

This step is important because the law does not allow a refund of expungement fees if the court denies the request for an expungement. There are a number of ways you can get assistance with this. You can use the FAQ’s form on page 34 to try to determine eligibility, call an attorney, attend a JAC workshop or event, or use the mobile application “CLEAN JACKET” available as a free download in Google Play and iTunes stores. The Clerk of Court’s office will not be able to assist you with this step. Special Cases:

- You should make sure you determine whether or not you need to file a Motion to Set Aside a Conviction before filing for an expungement. It can be difficult to tell when this is the case, and you should seek the advice of an attorney if you are unsure. This should be completed before filing for expungement or obtaining your background check.
- In some cases, an individual may file an Interim Expungement. A person may file an Interim Motion to Expunge a Felony Arrest when a felony arrest results in a conviction of a misdemeanor. However, the motion only expunges the original felony arrest and not the conviction for the misdemeanor. See page 35 or seek an attorney for more information.

STEP 3: WAIVER OF COSTS

Some people may be eligible for a fee waiver by the District Attorney. You can find more information about eligibility for a fee waiver on page 13 and find requirements to obtain a fee waiver for your court on pages 14-31. If you are eligible, you must attach this paperwork to your motion when you file.



NAVIGATING EXPUNGEMENT

IN LOUISIANA

STEP 4: GET YOUR BACKGROUND CHECK

You must also obtain a background check, and in some cases fingerprints, before you file your expungement. Keep in mind that this document will expire in 30 days. We recommend that you have all filing fees available before requesting a background check. A valid background check must be attached to your Motion for Expungement.

STEP 5: FILE THE MOTION & PAY THE FEES*

In some cases, you may need to file a Motion to Set Aside a Conviction before filing a Motion for Expungement. These are two different steps and motions. If you believe you need to file a Motion to Set Aside first, proceed to Step 5A and then Step 5B. If you are sure you do not need to file a Motion to Set Aside, skip to Step 5B.

STEP 5A: MOTION TO SET ASIDE

You should be sure of whether or not this is the case before filing for expungement. You may need to file a Motion to Set Aside if your sentence was deferred. It can be difficult to tell when this is your situation, so if you are unsure, seek the advice of an attorney. You will need to file the Motion to Set Aside in the Clerk's office of the court where your case was heard. You should receive a notice to appear in court. Appear in court on the date that the notice requires you to appear. When your name or case number is called, walk up to the podium and tell the judge that you are trying to get an expungement. If the judge grants your motion, proceed with filing an expungement (Go to Step 5B). If he does not grant the motion, you may want to seek the advice of an attorney.

STEP 5B: MOTION FOR EXPUNGEMENT

You must file the motion in the court where the case was originally heard. You will need to pay the court costs (fees) to the Clerk of Court when you file for your expungement if you are not eligible for a fee waiver. If possible, bring an extra copy of your Motion for Expungement and ask the Clerk of Court to stamp the time and date on it so that you can remember when you filed your motion.

STEP 6: 60 DAY WAIT PERIOD

The Clerk of Court will send your Motion for Expungement to the State Police, the arresting agency, and the District Attorney. Each agency has an opportunity to object to your Motion for Expungement. The District Attorney, arresting agency (police or sheriff), and the State Police have 60 days to respond to the Motion for Expungement. If there is a problem with your expungement, you will get a notice to appear in court. Proceed to Step 6A and 6B below. If there is not a problem with your expungement, skip to Step 7.



NAVIGATING EXPUNGEMENT

IN LOUISIANA

STEP 6A: NOTICE TO APPEAR IN COURT

If one of the agencies responds with an objection, you will receive a subpoena to appear in court on your Motion for Expungement. It is likely that the sheriff will provide you with this paperwork at the address you listed on your Motion for Expungement. If none of the state agencies responded with an objection, you should receive a notice that your request for an expungement was granted. (Go to Step 7.) If you do not receive a notice that your request for an expungement was granted, return to the Clerk of Court with your copy of your Motion with the date and time stamp where you filed and ask for the status of your Motion for Expungement.

STEP 6B: ADDRESS THE ISSUES

If one of the agencies objects to your Motion for Expungement and you received notice to appear in court, you will attend a “contradictory hearing.” At this hearing, you will learn why an agency objected to your Motion for Expungement. Some reasons for objection include administrative errors. For example, the sheriff may have recorded your arrest one way and the Louisiana State Police may have recorded it in another way. This could be an administrative error and it may be possible to fix the errors. In the event you are representing yourself and you do not understand what is happening in court, ask the judge to explain. If you still are not sure of what is happening or feel uncomfortable, you can ask the judge to set a new date so that you can seek the assistance of an attorney.

STEP 7: ORDER GRANTED!

Congratulations! You successfully represented yourself in court proceedings! Here are a few tips as you continue to move beyond the bars.

Get a certified copy

Once the court has granted your expungement, ask for a certified copy. The judge may direct you to the clerk’s office to get it or tell you that a deputy will deliver it to the address listed on your motion. When you receive it, be sure it is certified with an embossed stamp by the clerk. It will be the best way for you to prove you had the arrest or conviction expunged while you wait for certification of the expungement from the State Police. Do not lose or give this away because you will not be able to get another one. Keep it safely in a waterproof/fireproof place.

Be sure you get a Certificate of Compliance from the Louisiana State Police

After your expungement is granted, the clerk will send a copy of the order to the local law enforcement, the local district attorney, the parish sheriff, and the Louisiana State Police. That is how the court directs each agency to seal your record from public view. After the State Police does what the judge has ordered them to do, they will send you a letter. The letter is a “Certificate of Compliance.” It verifies that your record has been sealed.

WHAT DO I DO AT A HEARING?

In some cases, the court may subpoena you. This means you must appear in court on the date and time provided to you. This will happen after filing a Motion to Set Aside a Conviction and may happen after filing a Motion for Expungement. Please note that if you fail to appear on the date and time on your subpoena, you could hurt your case. Always appear in court on the date that the notice requires you to appear.

When you arrive, you will need to wait for your case to be called. When your name or case number is called, walk up to the podium and tell the judge that you are trying to get an expungement. Here are a few pointers to help you through your hearing.

- **Listen!**
Listen to everything the judge and the District Attorney have to say.
- **Ask!**
If you do not understand what is going on ALWAYS ask the judge to explain to you what is happening. Remember, the judge knows you are not an attorney. You should not be expected to act like an attorney by anyone. Asking questions and being honest with what you do and do not understand is very important during a hearing.

If you feel you need a lawyer's help at the hearing, ask the judge if you can have some time to get a lawyer. If the judge gives you more time you will get another date to appear in court with an attorney.

TIMELINE FOR EXPUNGEMENT

This timeline demonstrates the order in which steps need to be completed to obtain an expungement. There may be additional steps depending on your court and case.

1. Obtain Minutes from Case and Determine Eligibility

2. Gather Required Paperwork (Except Background Check)

3. Complete Expungement Paperwork

4. File Motion to Set Aside a Conviction (if applicable)

5. Hearing for Motion to Set Aside a Conviction (if applicable)

6. Have All Filing Fees Available

7. Request a Background Check

8. File Motion for Expungement: within 30 DAYS from the day you received your background check.

9. If Expungement is granted: Get Certified Copy

10. Get Certificate of Compliance from Louisiana State Police



EXPUNGEMENT PAPERWORK EXPLAINED

Below is an overview of the types of paperwork you may need to file your expungement. In the next section, you will find the specific requirements for your court with instructions for where to retrieve these documents. You may not need to collect all of the documents below. For more information on words and phrases used in this guide, please review page 37.

In all cases:

BACKGROUND CHECK

You must include a valid background check with your expungement forms. It shows the court and all parties what your record looks like in a given parish. You must file for your expungement within 30 days of completing your background check. JAC highly recommends you have all filing fees available before completing your background check. Check with your court on how the fees should be paid (pages 14-31 of this guide).

EXPUNGEMENT FORMS

You must include and complete the expungement forms. They are usually available at the Clerk of Court for your court, or in some cases you will need to access them online. JAC has the forms available online at www.JACLouisiana.org. Fill out the forms that apply to your situation ONLY. Clerks cannot help you determine which forms you will need, nor can they help you fill out the forms. If you are unable to complete the forms yourself, download JAC's Clean Jacket App for FREE on iTunes and GooglePlay or seek legal advice from an attorney.

In some cases:

BILL OF INFORMATION

The Bill of Information shows the exact charge against you and can be obtained from the Clerk of Court.

CERTIFICATION FROM THE DISTRICT ATTORNEY

This certification verifies that the District Attorney does not see any felonies pending against you. If you need this, you will need to go to the District Attorney's office (see pages 32-33 for location of your local DA). You will need the following information: 1) Your case number 2) The statute number(s) of the offense(s) for which you were arrested or convicted 3) Your social security number and contact information. Go to the District Attorney's Office and request certification paperwork. Complete forms and turn them in to the office. The District Attorney's Office will call you when your paperwork is ready to be picked up.

EXPUNGEMENT PAPERWORK EXPLAINED



CERTIFIED MINUTES

Minutes are the shorthand version of everything that happened in your case. The minutes can be obtained from the Clerk of Court and there might be a fee.

FEE WAIVER

A fee waiver must be authorized by the District Attorney only. The fee waiver allows you to file for an expungement and not pay any fees. The fee waiver can be found with the other expungement forms at the Clerk of Court or online, and it usually needs to be authorized by the DA before you file for expungement. You may be eligible for a fee waiver if the below conditions apply to you. If you are not sure, seek the advice of an attorney.

- o You have no prior felony convictions anywhere in the country.
- o You have no pending felony charges against you.
- o Your case ended in an acquittal, motion to quash, or it was dismissed/refused and the time limit for prosecution has expired, and the dismissal was not the result of completion of diversion.

LETTER OF DISPOSITION

A Letter of Disposition is a court document that describes the official outcome of a court case. In some cases, you may need to retrieve this document from the District Attorney.

MOTION TO SET ASIDE CONVICTION FORMS

A Motion to Set Aside is a preliminary step some individuals may need to request before getting an expungement. You should be sure that you do not also need to file a Motion to Set Aside a Conviction before obtaining your background check. If you do not know whether you need to file a Motion to Set Aside Conviction, seek the advice of an attorney. The forms can be found at www.laclerksofcourt.org under "CCrP 893 & 894" on the left side bar. You can also locate these forms on the JAC website at www.JACLouisiana.org under "Expungement Education".

NAME SEARCH

Similar to a background check, a name search will show what your criminal record looks like within the Jefferson Parish District Court only. You may need to obtain a name search from the clerk of court in order to obtain a certified fee waiver from the District Attorney, if you are eligible.



WHAT YOU'LL NEED TO FILE IN EACH COURT

You will need to file your expungement in the court where your case was originally heard. Each court has its own paperwork requirements. Find your court in the following section to see the documents required for your court and instructions to obtain them.

BOGALUSA CITY COURT

Will not disclose information to non-attorneys. Consider seeking the assistance of an attorney when filing for expungement in this court.

FIRST PARISH COURT (JEFFERSON PARISH)

Cost: \$550 (\$600 if DWI)

Paperwork you will need from the Clerk of Court, First Parish Court, 924 David Dr, Metairie. (504) 736-8910 (M-F 8:30am-4:30pm).

- A copy of the minutes from your case. The copy will be certified by the office of the clerk.
- Bill of Information
- Expungement Forms (Only fill out those that apply to your situation).
- If you are eligible for a fee waiver, submit your completed fee waiver form to the Clerk of Court prior to filing your motion for expungement. The clerk will give it to the District Attorney and call you when it has been approved.

Paperwork you will need from the Jefferson Parish Sheriff's Office, 1233 Westbank Expressway, Building A, Harvey. (504) 363-5590 (M-F 8am – 4:30pm)

- Background Check (JAC recommends having filing fees available before background check).
Cost: \$50, cash only.

Paperwork you will need from the District Attorney's Office in the First Parish Court, 924 David Dr, Metairie. (504) 736-8741 (M-F 8:30am-7pm)

- Letter of Disposition. Make sure to take your background check and proof of ID when you request the letter of disposition.

Complete the expungement forms and attach to the back of these forms your certified minutes, your Bill of Information, your background check, your disposition letter from the District Attorney's office, your certified fee waiver (if applicable), and seven (7) additional copies of the motion. Make another copy of this completed motion to keep for yourself.

WHAT YOU'LL NEED TO FILE IN EACH COURT



Where to File:

- Motion to Set Aside Conviction (if necessary): Clerk of Court in the First Parish Court, 924 David Dr, Metairie, 70003
- Motion to File for Expungement: Clerk of Court in the First Parish Court, 924 David Dr, Metairie, 70003

If your expungement motion requires payment to the court, have your filing fees with you when you file:

- **Jefferson Parish Clerk of Court**
Fee Amount: **\$300**
Method of Payment: U.S. Postal Money Order made payable to: JEFFERSON PARISH CLERK OF COURT
- **Louisiana State Police**
Fee Amount: **\$250**
Method of Payment: U.S. Postal Money Order made payable to: LA STATE POLICE
- **DWI ONLY:**
Fee Amount: **\$50.00**
Method of Payment: U.S. Postal Money Order made payable to: LA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS/OFFICE OF MOTOR VEHICLES

***Include Docket Number(s) on all money orders!**

MY PAPERWORK CHECKLIST



In the First Parish Court, my Motion for Expungement includes the following paperwork:

- My completed expungement forms.
- My background check.
- The certified minutes from my case.
- My Bill of Information.
- My disposition letter from the DA.
- My certified fee waiver, if applicable.
- I have seven (7) additional copies of my paperwork to provide to the clerk when I file.

Remember:

Make an extra copy of all of your paperwork to keep for your records!



WHAT YOU'LL NEED TO FILE IN EACH COURT

JEFFERSON PARISH DISTRICT COURT (24TH JDC)

Cost: \$550 (\$600 if DWI)

Paperwork you will need from the Criminal Clerk's Office on the 1st floor of the 24th Judicial District Court, Thomas F. Donelon Building, 200 Derbigny St., Gretna. (504) 364-2900 (M-F 8:30am- 4:30pm)

- A copy of the minutes from your case. (It does NOT need to be a certified copy).
Cost: 75 cents per page.
- Expungement Forms (Only fill out those that apply to your situation)

Paperwork you will need from the Jefferson Parish Sheriff's Office, 1233 Westbank Expressway, Building A, Harvey. (504) 363-5590 (M-F 8am – 4:30pm)

- Background Check (JAC recommends having filing fees available before background check).
Cost: \$50 cash only.

Paperwork you will need from the District Attorney's Office, Jefferson Parish Judicial District Court, 200 Derbigny St, Gretna. (504) 368-1020 (M-F 8:30am- 4:30pm) (It is located to the left of the exit and metal detectors of the court before leaving the building.)

- Certification of Fee Waiver. Instructions to obtain a fee waiver (if applicable):
 - Bring your background check, fee waiver form, completed motion for expungement, and the copy of the minutes from your case to the District Attorney's Office in the Jefferson Parish Judicial District Court. Tell the receptionist that you would like to get a fee waiver for an expungement. The receptionist will give you a card with instructions on getting upstairs. Once upstairs, inform the receptionist that you would like a fee waiver for an expungement. The DA will review your documents and let you know if your fee waiver will be approved.
 - If the DA will approve your fee waiver, go to the Criminal Clerk's Office on the first floor of the court. Request a name search. There will be a \$20 fee.
 - Return to the District Attorney's office and provide your name search, background check, fee waiver form, and completed motion for expungement. Wait until your name is called and your paperwork is ready.

Complete the expungement forms and attach to the back of these forms your minutes, your background check, and three additional copies of your motion. Make another copy of the completed motion to keep for yourself. When filing a motion that does not require payment, you will also need to provide your name search and fee waiver.

WHAT YOU'LL NEED TO FILE IN EACH COURT



Where to File:

- Motion to Set Aside Conviction (if necessary): Criminal Clerk's Office, 1st floor of the 24th Judicial District Court, Thomas F. Donelon Courthouse, 200 Derbigny St, Gretna, LA 70053
- Motion to File for Expungement: Criminal Clerk's Office, 1st floor of the 24th Judicial District Court, Thomas F. Donelon Courthouse, 200 Derbigny St, Gretna, LA 70053

If your expungement motion requires payment to the court, have your filing fees with you when you file:

- **Jefferson Parish Clerk of Court**
Fee Amount: **\$300**
Method of Payment: U.S. Postal Money Order made payable to:
JEFFERSON PARISH CLERK OF COURT
- **Louisiana State Police**
Fee Amount: **\$250**
Method of Payment: U.S. Postal Money Order made payable to: LA STATE POLICE
- **DWI ONLY** (both of the above payments and the following):
Fee Amount: **\$50.00**
Method of Payment: U.S. Postal Money Order made payable to:
LA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS/OFFICE OF MOTOR VEHICLES

***Include Docket Number(s) on all money orders!**

MY PAPERWORK CHECKLIST



In Jefferson Parish Judicial District Court, my Motion for Expungement includes the following paperwork:

- My completed expungement forms.
- My background check.
- A copy of the minutes from my case.
- Fee waiver from the District Attorney, if applicable
- My name search, if submitting a fee waiver
- I have three (3) additional copies of my paperwork to provide to the clerk when I file.

Remember:

Make an extra copy of all of your paperwork to keep for your records!



WHAT YOU'LL NEED TO FILE IN EACH COURT

NEW ORLEANS MUNICIPAL COURT

Cost: \$500

* Starting sometime in 2017, Municipal and Traffic Courts may no longer be separated. Inquire at the court as to where you should retrieve expungement forms and in which room you should file your motion for municipal or traffic charges.

Paperwork you will need from the District Attorney's Office, 619 South White Street (next to the courthouse). (504) 822-2414 (M-F 8:30am- 5:00pm)

- District Attorney's Certification.
Make sure you bring:
 - Your case number
 - The statute number(s) of the offense(s) for which you were arrested or convicted.
 - Your social security number and contact information.Request certification paperwork from front desk, complete the forms and turn them into the front desk. The District Attorney's office will call you when the paperwork is ready to be picked up.
- Certified fee waiver (if applicable). This will be a form attached to the District Attorney Certification form above. Complete this form with the Certification. If you are eligible for a fee waiver, it will be returned to you with the DA's certification. If you are not eligible for a fee waiver, this form will not be returned to you.

Paperwork you will need from Room 105 of the Municipal Court Building, 727 S Broad Ave, New Orleans. (504) 658-9700 (M-F 8:00am- 5:00pm)

- Expungement forms (only fill out those that apply to your situation).
- Forms also available online: www.laclerksofcourt.org, under "Expungement Forms Index," or at the JAC website, www.JACLouisiana.org under "Expungements"

Paperwork you will need from the New Orleans Police Department, 715 S Broad St, on the same square as the Municipal Court. (504) 658-5455 (M, W, F 8:30am- 3:00pm)

- Background Check (JAC recommends having filing fees available before background check). It will cost \$5 unless otherwise posted.

Complete the expungement forms and attach to the back of these forms your certification from the District Attorney's Office, your background check, and your certified fee waiver (if applicable). Make a copy of this completed motion to keep for yourself. You are now ready to file!

WHAT YOU'LL NEED TO FILE IN EACH COURT



Where to File:

- Motion to Set Aside Conviction (if necessary): Room 105 of the Municipal Court Building, 727 S Broad Ave, New Orleans LA 70119.
- Motion to File for Expungement: Room 105 of the Municipal Court Building, 727 S Broad Ave, New Orleans LA 70119.

If your expungement motion requires payment to the court, have your filing fees with you when you file:

- **State of Louisiana**
Fee Amount: **\$250**
Method of Payment: Money order made payable to: STATE OF LOUISIANA
- **City of New Orleans**
Fee Amount: **\$200**
Method of Payment: Money order made payable to: CITY OF NEW ORLEANS
- **District Attorney**
Fee Amount: **\$50**
Method of Payment: Money order made payable to: ORLEANS PARISH DISTRICT ATTORNEY

*Include Docket Number(s) on all money orders!

MY PAPERWORK CHECKLIST



In New Orleans Municipal Court, my Motion for Expungement includes the following paperwork:

- My completed expungement forms.
- My DA certification form.
- My background check.
- My fee waiver form, if applicable.

Remember: Make an extra copy of all of your paperwork to keep for your records!



WHAT YOU'LL NEED TO FILE IN EACH COURT

NEW ORLEANS TRAFFIC COURT

Cost: \$500 (\$550 if DWI)

* Starting sometime in 2017, Municipal and Traffic Courts may no longer be separated. Inquire at the court as to where you should retrieve expungement forms and in which room you should file your motion for municipal or traffic charges.

Paperwork you will need from the District Attorney's Office, 619 South White Street (next to the courthouse). (504) 822-2414 (M-F 8:30am- 5:00pm)

- District Attorney's Certification.
Make sure you bring:
 - Your case number
 - The statute number(s) of the offense(s) for which you were arrested or convicted.
 - Your social security number and contact information.Request certification paperwork from front desk, complete the forms and turn them into the front desk. The District Attorney's office will call you when the paperwork is ready to be picked up.
- Certified fee waiver (if applicable). This will be a form attached to the District Attorney Certification form above. Complete this form with the Certification. If you are eligible for a fee waiver, it will be returned to you with the DA's certification. If you are not eligible for a fee waiver, this form will not be returned to you.

Paperwork you will need from Room 108 of the Municipal Court Building, 727 S Broad Ave, New Orleans. (504) 658-9700 (M-F 8:00am- 5:00pm)

- Expungement forms (only fill out those that apply to your situation).
- Forms also available online: www.laclerksofcourt.org, under "Expungement Forms Index," or at the JAC website, www.JACLouisiana.org under "Expungements"

Paperwork you will need from the New Orleans Police Department, 715 S Broad St, on the same square as the Municipal Court. (504) 658-5455 (M, W, F 8:30am- 3:00pm)

- Background Check (JAC recommends having filing fees available before background check). It will cost \$5 unless otherwise posted.

Complete the expungement forms and attach to the back of these forms your certification from the District Attorney's Office, your background check, and your certified fee waiver (if applicable). Make a copy of this completed motion to keep for yourself. You are now ready to file!

WHAT YOU'LL NEED TO FILE IN EACH COURT



Where to File:

- Motion to Set Aside Conviction (if necessary): Room 108 of the Municipal Court Building, 727 S Broad Ave, New Orleans LA 70119.
- Motion to File for Expungement: Room 108 of the Municipal Court Building, 727 S Broad Ave, New Orleans LA 70119.

If your expungement motion requires payment to the court, have your filing fees with you when you file:

- **State of Louisiana**
Fee Amount: **\$250**
Method of Payment: Money order made payable to: STATE OF LOUISIANA
- **City of New Orleans**
Fee Amount: **\$200**
Method of Payment: Money order made payable to: CITY OF NEW ORLEANS
- **District Attorney**
Fee Amount: **\$50**
Method of Payment: Money order made payable to: ORLEANS PARISH DISTRICT ATTORNEY
- **DWI ONLY:**
Fee Amount: **\$50**
Method of Payment: Money order made payable to:
LA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS / OFFICE OF MOTOR VEHICLES

***Include Docket Number(s) on all money orders!**

MY PAPERWORK CHECKLIST



In New Orleans Traffic Court, my Motion for Expungement includes the following paperwork:

- My completed expungement forms.
- My DA Certification form.
- My background check.
- My fee waiver form, if applicable.

Remember: Make an extra copy of all of your paperwork to keep for your records!



WHAT YOU'LL NEED TO FILE IN EACH COURT

ORLEANS PARISH CRIMINAL DISTRICT COURT

Cost: \$550

Paperwork you will need from the District Attorney's Office, 619 South White Street (next to the courthouse). (504) 822-2414 (8:30am- 5:00pm).

- District Attorney's Certification.
Make sure you bring:
 - Your case number
 - The statute number(s) of the offense(s) for which you were arrested or convicted.
 - Your social security number and contact information.Request certification paperwork from front desk, complete the forms and turn them into the front desk. The District Attorney's office will call you when the paperwork is ready to be picked up.
- Certified fee waiver (if applicable). This will be a form attached the District Attorney Certification form above. Complete this form with the Certification. If you are eligible for a fee waiver, it will be returned to you with the DA's certification. If you are not eligible for a fee waiver, this form will not be returned to you.

Paperwork you will need from the Clerk of Court, Room 210 of the Orleans Parish Criminal District Court, 2700 Tulane Ave, New Orleans. (504) 658-9100 (M-F 8:00 am-4:00 pm)

- Record Request Form. You will need to know your case number and section of the court to complete this form. If you do not know, you can ask the clerk, "What was my case number and section of court for my case?" Complete the form and turn it into the clerk. The clerk will call you when your paperwork is ready to be picked up in Room 114. This form will retrieve the following paperwork that you will need to include with your Motion for Expungement:
 - Bill of Information, if applicable
 - Boykin Form, if applicable
 - Docket Master
 - Commitment Sheet, if applicable
 - Arrest Register, if applicable
 - District Attorney Screening Sheet

Please note that if your records were destroyed by Katrina, you should receive an official letter from the clerk stating this with a copy of your docket master.

- Expungement forms (Only fill out those that apply to your situation)

Paperwork you will need from Room 104 of the Criminal Court, 2700 Tulane Ave:

- Background Check (JAC recommends having filing fees available before background check). The first request will be free, additional requests will require a fee. You may need to return the next day to pick up your background check.

WHAT YOU'LL NEED TO FILE IN EACH COURT



Complete the expungement forms and attach to the back of these forms your certification from the District Attorney's Office, your records from the Clerk, your background check, and your certified fee waiver (if applicable). Make a copy of this completed motion to keep for yourself. You are now ready to file!

Where to File:

- Motion to Set Aside Conviction (if necessary): Clerk of Court, Room 210, Orleans Parish Criminal District Court, 2700 Tulane Ave, New Orleans LA 70119
- Motion to File for Expungement: Clerk of Court, Room 210, Orleans Parish Criminal District Court, 2700 Tulane Ave, New Orleans LA 70119

If your expungement motion requires payment to the court, have your filing fees with you when you file:

- **Clerk of Criminal District Court**
Fee Amount: **\$550**
Method of Payment: Cash, Credit Card, Money Order, or Cashier's check made payable to: CLERK OF CRIMINAL DISTRICT COURT

Go to room 104 and pay the Clerk the \$550. The Clerk will stamp your motion "Paid." Then, take the motion that has been stamped "Paid" along with your background check upstairs to room 210. If you have an extra copy of your motion, the Clerk will stamp it with a time and date and return the copy to you. The Clerk will keep the original for the record.

***Include Docket Number(s) on all money orders!**

MY PAPERWORK CHECKLIST



In Orleans Parish Criminal District Court, my Motion for Expungement includes the following paperwork:

- My completed expungement forms.
- My DA Certification form.
- My background check.
- My records from the clerk.
- My fee waiver form, if applicable.

Remember: Make an extra copy of all of your paperwork to keep for your records!



WHAT YOU'LL NEED TO FILE IN EACH COURT

SECOND PARISH COURT (JEFFERSON PARISH)

Cost: \$550 (\$600 if DWI)

Paperwork you will need from the Clerk of Court, Second Parish Court, 100 Huey P. Long Ave, 1st Floor, Gretna. (504) 364-2929 (M-F 8:30am-4:30pm)

- Expungement Forms (Only fill out those that apply to your situation)
- A copy of the minutes from your case
- Bill of Information

Paperwork you will need from the Jefferson Parish Sheriff's Office, 1233 Westbank Expressway, Building A, Harvey. (504) 363-5590 (M-F 8am – 4:30pm)

- Background Check (JAC recommends having filing fees available before background check). Cost: \$50 cash only.

Paperwork you will need from the District Attorney's Office, 200 Derbigny St, Gretna. (504) 368-1020 (M-F 8:30am- 4:30pm) (It is located to the left of the exit and metal detectors of the court before leaving the building.)

- Certification of Fee Waiver. Instructions to obtain a fee waiver (if applicable):
 - Bring your background check, fee waiver form, completed motion for expungement, and the copy of the minutes from your case to the District Attorney's Office in the Jefferson Parish Judicial District Courthouse. Tell the receptionist that you would like to get a fee waiver for an expungement. The receptionist will give you a card with instructions on getting upstairs. Once upstairs, inform the receptionist that you would like a fee waiver for an expungement. The DA will review your documents and let you know if your fee waiver will be approved.
 - If the DA will approve your fee waiver, go to the Clerk of Court's Office in the Second Parish Court, 100 Huey P. Long Ave, 1st Floor. Request a name search. There will be a \$20 fee.
 - Return to the District Attorney's Office and provide your name search, background check, fee waiver form, and completed motion for expungement. Wait until your name is called and your paperwork is ready.

Complete the expungement forms and attach to the back of these forms your background check and five additional copies of the motion. Make another copy of this completed motion to keep for yourself. When filing a motion that does not require payment, you will also need to provide your name search and your fee waiver.

WHAT YOU'LL NEED TO FILE IN EACH COURT



Where to File:

- Motion to Set Aside Conviction (if necessary): Clerk of Court's Office in the Second Parish Court, 100 Huey P. Long Ave, 1st Floor, Gretna 70053
- Motion to File for Expungement: Clerk of Court's Office in the Second Parish Court, 100 Huey P. Long Ave, 1st Floor, Gretna 70053

If your expungement motion requires payment to the court, have your filing fees with you when you file:

- **Jefferson Parish Clerk of Court**
Fee Amount: **\$300**
Method of Payment: U.S. Postal Money Order made payable to:
JEFFERSON PARISH CLERK OF COURT
- **Louisiana State Police**
Fee Amount: **\$250**
Method of Payment: U.S. Postal Money Order made payable to: LA STATE POLICE
- **DWI ONLY:**
Fee Amount: **\$50.00**
Method of Payment: U.S. Postal Money Order made payable to: LA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS/OFFICE OF MOTOR VEHICLES

***Include Docket Number(s) on all money orders!**

MY PAPERWORK CHECKLIST



In the Second Parish Court, my Motion for Expungement includes the following paperwork:

- My completed expungement forms
- My Bill of Information
- The minutes from my case
- My background check
- My certified fee waiver, if applicable
- My name search, if submitting a fee waiver &
- I have five (5) additional copies of my paperwork to provide to the clerk when I file

Remember: Make an extra copy of all of your paperwork to keep for your records!



WHAT YOU'LL NEED TO FILE IN EACH COURT

SLIDELL CITY COURT

Cost: \$500 (\$600 if DWI)

Paperwork you will need from the Clerk of Court, 501 Bouscaren St, Slidell. (985) 643-6969 (M-F 8:30am-4:30pm)

- Expungement Forms (Only fill out those that apply to your situation).

*JAC was unable to retrieve specific paperwork requirements from Slidell City Court after multiple inquiries without response. Please check with the Clerk of Court regarding the paperwork requirements to file for expungement and instructions on obtaining a background check. The filing fee information that was provided to us is listed below.

If your expungement motion requires payment to the court, have your filing fees with you when you file:

- **Slidell City Court**

Fee Amount: **\$200**

Method of Payment: Money order made payable to: CITY COURT OF SLIDELL

- **St. Tammany Parish District Attorney**

Fee Amount: **\$50**

Method of Payment: Money order made payable to: ST. TAMMANY PARISH DISTRICT ATTORNEY

*Note: In some cases, this fee goes to the City Prosecutor, not the District Attorney, depending on who handled your case. Call the court if you are unsure.

- **Louisiana State Police**

Fee Amount: **\$250**

Method of Payment: Money order made payable to: BUREAU OF CRIMINAL IDENTIFICATION AND INFORMATION / LOUISIANA STATE POLICE

- **DWI ONLY:**

Fee Amount: **\$100**, two separate payments of **\$50**

Method of Payment: Two separate money orders for \$50 each, made payable to: LA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS/OFFICE OF MOTOR VEHICLES

***Include Docket Number(s) on all money orders!**

WHAT YOU'LL NEED TO FILE IN EACH COURT



ST. TAMMANY DISTRICT COURT (22ND JDC)

Cost: \$550 (\$650 if DWI)

Paperwork you will need from the Sheriff's Office, Located in the St. Tammany Justice Center, 701 North Columbia Street, Covington. (985) 809-8200 (M-F 8:00am – 4:30pm)

- Background check (JAC recommends having filing fees available before background check). Cost: \$20

Paperwork you will need from online: <http://www.sttammanyclerk.org/main/forms.asp>

- Expungement forms (Scroll down to the second box of forms, labeled "criminal.") Determine which forms apply to your situation and only complete those forms.

Paperwork you will need from the District Attorney, 701 N Columbia Street, Covington. (985) 809-8383 (M-F 8:30am – 4:30pm)

- Certified fee waiver, if applicable.

Complete the expungement forms and attach to the back of these forms your background check and fee waiver from the District Attorney's office (if applicable). Make another copy of this completed motion to keep for yourself. You are now ready to file!

Where to File:

- Motion to Set Aside Conviction (if necessary): Clerk of Court, St. Tammany Parish Justice Center, 701 North Columbia Street, Covington, LA 70434
- Motion to File for Expungement: Clerk of Court, St. Tammany Parish Justice Center, 701 North Columbia Street, Covington, LA 70434

If your expungement motion requires payment to the court, have your filing fees with you when you file:

- **St. Tammany Parish Clerk of Court**

Fee Amount: **\$200**

Method of Payment: Cash, check, or money order made payable to: ST. TAMMANY PARISH CLERK OF COURT



WHAT YOU'LL NEED TO FILE IN EACH COURT

- **St. Tammany Parish District Attorney**
Fee Amount: **\$50**
Method of Payment: Money order made payable to ST. TAMMANY PARISH DISTRICT ATTORNEY
- **St. Tammany Parish Sheriff's Office:**
Fee Amount: **\$50**
Method of Payment: Money order made payable to: ST. TAMMANY PARISH SHERIFF'S OFFICE
- **Bureau of Criminal Identification and Information/Louisiana State Police:**
Fee Amount: **\$250**
Method of Payment: Money order or cashier's check made payable to: BUREAU OF CRIMINAL IDENTIFICATION AND INFORMATION / LOUISIANA STATE POLICE
- **DWI ONLY:**
Fee Amount: **\$100, two separate payments of \$50**
Method of Payment: Two separate money orders for \$50 each, made payable to LA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS/OFFICE OF MOTOR VEHICLES
*Note for DWIs:
 - If you are filing a Motion to Set Aside Conviction, your first \$50 will be required when filing the set aside, and the second \$50 will be required when filing for expungement.
 - If you are NOT filing a Motion to Set Aside Conviction, 2 money orders in the amounts of \$50 each will be required when filing the expungement.

***Include Docket Number(s) on all money orders!**

MY PAPERWORK CHECKLIST



In St. Tammany District Court, my Motion for Expungement includes the following paperwork:

- My completed expungement forms.
- My background check.
- My certified fee waiver, if applicable



Remember: Make an extra copy of all of your paperwork to keep for your records!

WHAT YOU'LL NEED TO FILE IN EACH COURT



WASHINGTON PARISH COURT (22ND JDC)

Cost: \$550 (\$600 if DWI)

Paperwork you will need from the Clerk of Court, Washington Parish Court, 908 Washington Street, Franklinton. (985) 732-7189 (M-F 8:00am-4:30pm)

- A copy of the certified minutes from your case (\$5)
- Bill of Information (\$5)

Paperwork you will need from online: www.laclerksofcourt.org, under “Expungement Forms Index,” or at the JAC website, www.JACLouisiana.org under “Expungements”:

- Expungement Forms (only fill out those that apply to your situation)

Paperwork you will need from the Sheriff’s Office, 1002 Main St, Franklinton. (985) 732-7160 (M-F 8:00am-4:30pm)

- Background Check (JAC recommends having filing fees available before background check).
Cost: \$10

Paperwork you will need from the District Attorney, 905 Pearl St Franklinton. (985) 839-6711 (M-F 8:30am – 4:30pm)

- Certified fee waiver (if applicable). Bring a copy of your completed expungement forms and the fee waiver form to be certified by the District Attorney.

Complete the expungement forms and attach to the back of these forms your certified minutes, Bill of Information, background check, three additional copies of your motion for expungement, and fee waiver from the District Attorney’s office (if applicable). Make another copy of this completed motion to keep for yourself. You are now ready to file!

Where to File:

- Motion to Set Aside Conviction (if necessary): Clerk of Court, Washington Parish Courthouse, 908 Washington Street, Franklinton, LA 70438
- Motion to File for Expungement: Clerk of Court, Washington Parish Courthouse, 908 Washington Street, Franklinton, LA 70438



WHAT YOU'LL NEED TO FILE IN EACH COURT

If your expungement motion requires payment to the court, have your filing fees with you when you file:

- **Washington Parish Clerk of Court**
Fee Amount: **\$200.00**
Method of Payment: U.S. Postal Money Order made payable to:
WASHINGTON PARISH CLERK OF COURT
- **Washington Parish District Attorney**
Fee Amount: **\$50**
Method of Payment: U.S. Postal Money Order made payable to:
WASHINGTON PARISH DISTRICT ATTORNEY
- **Washington Parish Sheriff's Office**
Fee Amount: **\$50**
Method of Payment: U.S. Postal Money Order made payable to:
WASHINGTON PARISH SHERIFF'S OFFICE
- **Bureau of Criminal Identification and Information/Louisiana State Police**
Fee Amount: **\$250**
Method of Payment: U.S. Postal Money Order made payable to:
BUREAU OF CRIMINAL IDENTIFICATION AND INFORMATION / LOUISIANA STATE POLICE
- **DWI ONLY:**
Fee Amount: **\$50**
Method of Payment: U.S. Postal Money Order made payable to:
LA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS / OFFICE OF MOTOR VEHICLES

***Include Docket Number(s) on all money orders!**

WHAT YOU'LL NEED TO FILE IN EACH COURT



MY PAPERWORK CHECKLIST



In Washington Parish Court, my Motion for Expungement includes the following paperwork:

- My completed expungement forms.
- My certified minutes from my case.
- My Bill of Information.
- My background check.
- My fee waiver, if applicable.
- &
- I have three (3) additional copies of my paperwork to provide to the Clerk when I file.

Remember: Make an extra copy of all of your paperwork to keep for your records!



RESOURCES

LEGAL ASSISTANCE

Justice and Accountability Center of Louisiana

4035 Washington Avenue, Suite 203
New Orleans, LA 70125
(504) 322-4050 | jacloouisiana.org

The ProBono Project

615 Baronne St
New Orleans, LA 70113
(504) 581-4043 | probono-no.org
(M-F 8:30am-4:30pm)

Louisiana Civil Justice Center

Hotline for Legal Advice: 1-800-310-7029
(M-F 9am-4pm) | laciviljustice.org

New Orleans Bar Association

650 Poydras St, #1505
New Orleans, LA 70130
(504) 525-7453 | neworleansbar.org
(M-F 9am – 5:00pm)

Southeast Louisiana Legal Services

- slls.org (5 locations)
- *Annex Building*
1010 Common St, Suite 1400A
New Orleans, LA 70112 | (504) 529-1000
 - *Manhattan Place Building*
2439 Manhattan Blvd, Suite 103
Harvey, LA 70058 | (504) 374-0977
 - 423 N. Florida St
Covington, LA 70433 | (985) 893-0076
 - 1200 Derek Drive, Suite 100,
Hammond, LA 70403 | (985) 345-2130
 - 521 Roussell Street
Houma, LA 70360 | (985) 851-5687

Louisiana State Bar Association

601 Saint Charles Ave, Ste 200
New Orleans, LA 70130
(504) 566-1600 | lsba.org

CITY AND STATE OFFICES

Louisiana State Police

Bureau of Criminal Identification & Information

(statewide background checks)
P.O. Box 66614, #A-6
Baton Rouge, LA 70896-6614
(225) 925-6095 | lsp.org
(M-F 9am - 5pm)

ORLEANS PARISH

Orleans Parish Criminal District Court

2700 Tulane Ave
New Orleans, LA 70119
(504) 658-9100 | criminalcourt.org
(M-F 8:00am- 4:00pm)

New Orleans Municipal Court

727 S Broad Ave # 105
New Orleans, LA 70119
(504) 658-9700 | nola.gov/municipal-court
(M-F 8:00am- 5:00pm)

New Orleans Traffic Court

727 S Broad Ave # 108
New Orleans, LA 70119
(504) 658-8500 | nola.gov/traffic-court
(M-F 8:00am- 5:00pm)

Orleans Parish District Attorney

619 S White St
New Orleans, LA 70119
(504) 822-2414 | orleansda.com
(M-F 9:00am- 5:00pm)

Orleans Parish Sheriff's Office

819 S Broad Ave,
New Orleans, LA 70119
(504) 822-8000 | opcsa.org
(M-F 9:00am- 5:00pm)

New Orleans Police Department Records and Identification Division

(Background Checks for Municipal Court Only)
715 S Broad Ave
New Orleans, LA 70119
(504) 658-5455 | nola.gov/nopd
(M-F 8:30am- 3:30pm)

CITY AND STATE OFFICES

JEFFERSON PARISH

Jefferson Parish District Court Thomas F. Donelon Courthouse

200 Derbigny Street
Gretna, LA 70054
(504) 364-2900 | jpclerkofcourt.us
(M-F 8am- 4:30pm)

First Parish Court

924 David Dr.
Metairie LA 70003
(504) 736-8910 | jeffparishcourts.com
(M-F 8:00am- 4:30pm)

Second Parish Court

100 Huey P. Long Ave., 1st Floor
Gretna LA 70053
(504) 364-2929 | jeffparishcourts.com
(M-F 8:00am- 4:30pm)

Jefferson Parish District Attorney

200 Derbigny St
Gretna, LA 70053
(504) 368-1020 | jpda.us
(M-F 8:30am- 4:30pm)

Jefferson Parish Sheriff's Office

1233 Westbank Expressway, Building A
Harvey, LA 70058 | jpsa.com
(M-F 8:00am- 4:30pm)

ST. TAMMANY PARISH

St. Tammany District Court

St. Tammany Justice Center
701 North Columbia St
Covington, LA 70434
(985) 809-8700 | 22ndjdc.org
(M-F 8:30am- 4:30pm)

Slidell City Court

501 Bouscaren Street
Slidell, LA 70459
(985) 643-6969 | citycourtofslidell.com
(M-F 8:30am - 4:30pm)

District Attorney

701 N Columbia St
Covington, LA 70433
(985) 809-8383 | damontgomery.org
(M-F 8:30am- 4:30pm)

St. Tammany Parish Sheriff's Office

701 N Columbia St
Covington, LA 70433
(985) 809-8200 | stpsa.com

WASHINGTON PARISH

Washington Parish District Court

908 Washington St
Franklinton, LA 70438
(985) 732-7189 | 22ndjdc.org
(M-F 8:30am- 4:30pm)

Bogalusa City Court

202 Arkansas Avenue
Bogalusa LA 70429
(985) 732-6204 | bogalusa.org
(M-F 8:30am- 4:30pm)

District Attorney

905 Pearl St
Franklinton, LA 70438
(985) 839-6711 | damontgomery.org
(M-F 8:30am - 4:30pm)

Washington Parish Sheriff's Office

1002 Main St
Franklinton, LA 70438
(985) 732-7160 | wpsa.la.gov
(M-F 8:00am- 4:30pm)



FREQUENTLY ASKED QUESTIONS



What is an Expungement?

“Expungement” means removal of a record from public access but does not mean destruction of the record. An expunged record is confidential, but remains available for use by law enforcement agencies, criminal justice agencies, and other state agencies as stated under Louisiana law.



Am I eligible to have my record expunged?

JAC strongly recommends that you contact an attorney, download our free mobile app for assistance or attend a workshop or event to review the potential in having your record expunged.



Can Federal arrest records be expunged?

An arrest for simple drug possession when under 21 years old may be expunged. Other arrests on Federal charges are not possible to expunge—unless the case ended with an acquittal or exoneration.



I received a first offender pardon. Does that automatically expunge my record?

No. There are two kinds of pardons, both of which restore certain rights differently. An automatic pardon is given to first time offenders in Louisiana (some crimes are excluded from eligibility). An automatic first offender pardon does not prevent the State from using your record against you in the future, nor is your record sealed from public view. However, a full governor’s pardon prevents your record from being used against you at a later time for subsequent convictions and returns you to the state you were in prior to arrest.



If I was never prosecuted, how long do I have to wait to apply for an expungement?

Applications may be filed immediately following an acquittal or successful motion to quash. If the District Attorney dismissed or refused prosecution and the time limit for prosecution has run out, then an expungement may be possible. Generally, the DA has a specific amount of time after the date of the offense within which he or she must institute charges. They are as follows:

- No limit: Crimes punishable by death or life imprisonment
- 10 years: Some sex crimes
- 6 years: Felonies punishable by imprisonment and hard labor
- 4 years: Felonies not necessarily punishable by imprisonment or hard labor
- 2 years: Misdemeanors punishable by fine or imprisonment
- 6 months: Misdemeanors punishable by fine



Can I have my juvenile arrest record expunged?

JAC recommends speaking with a Juvenile Advocate, such as the Louisiana Center for Children’s Rights. Phone: (504) 658-6860. Address: 1100-B Milton St. New Orleans, LA 70122.



FREQUENTLY ASKED QUESTIONS



What is an Interim expungement?

A person may file an Interim Motion to Expunge a Felony Arrest when a felony arrest results in a conviction of a misdemeanor. However, the motion only expunges the original felony arrest and not the conviction for the misdemeanor. This is because the interim motion to expunge is separate from a motion to expunge a final conviction. Additional fees may be assessed after completion of probation if the defendant wants the conviction expunged at a later date. If you think you might be eligible for or need an Interim Expungement, seek the advice of an attorney.



How do I apply for an expungement?

An expungement requires the Court's approval. There are uniform forms that all courts must use. Fill out the required forms and submit them to the Court with a background check that was acquired within thirty (30) days of the filing date. For example, if you are filing your expungement on January 30, 2015, then your background check must be issued on or after January 1, 2015. There may be additional requirements, depending on your court. See pages 14-31.



How much does an expungement cost?

Expungement costs vary by court. Please see pages 14-31 of this guide to find specific information on the fees for your court.



What do I say at a hearing?

Listen to the Judge and the State. If you do not understand what is going on, ALWAYS ask the Judge to explain to you what is happening. If you think you need a lawyer's help at the hearing, ask the Judge if you can have some time to get a lawyer. If the Judge permits this, you will get another date to appear in court with an attorney.



I am indigent. Can I have the costs waived?

No. The only circumstance that allows for a fee waiver is if all of the following applies:

- The individual has no prior felony convictions anywhere in the country
- The individual has no pending felonies
- The offense for which the individual was prosecuted ended in an acquittal, motion to quash, or it has been dismissed/refused and the time limit for prosecution has expired
- The offense was not dismissed after successful completion of diversion



How long does the whole expungement process take?

It will take sixty (60) days from the date of filing for all the agencies to respond to your request for an expungement. It may then take additional time for the Louisiana State Police to mail you a Certificate of Compliance.

FREQUENTLY ASKED QUESTIONS



Once my record is expunged has it been removed from all potential viewers forever?

No, some government agencies may still be able to view an arrest record even after it has been expunged. They are as follows: The Office of Financial Institutions, the Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing, the Louisiana State Board of Dentistry, the Louisiana State Board of Examiners of Psychologists, the Louisiana Board of Pharmacy, the Louisiana State Board of Social Work Examiners, the Emergency Medical Services Certification Commission, Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, the Louisiana Supreme Court Committee on Bar Admissions, the Louisiana Department of Insurance, the Louisiana Licensed Professional Counselors Board of Examiners, or any person or entity requesting a record of all criminal arrests and convictions pursuant to R.S. 15:587.1, or as otherwise provided by law.



If I apply for a job after my record is expunged how do I answer questions about my record on a job application?

There is no clear answer under the law. Seek the advice of an attorney regarding your particular situation.



Can I be denied employment because of my criminal record?

Private employers can deny you employment for any reason. However, public employers and licensing authorities should only deny you employment if your arrest/conviction is reasonably related to the job for which you have applied. Request the assistance of an attorney if you believe you have been wrongfully denied employment.



What does JAC's Clean Jacket app do?

The app provides individuals with an informational review of their opportunity for expungement. Some convictions are not eligible for expungement under any circumstance, such as convictions that require registration as a sex offender. The app informs individuals that it is unlikely that the court would grant an expungement under the expressly prohibited circumstances. Similarly, there are some areas of expungement law that require direct review of the arrest or conviction by an attorney. It provides these users with a geographic location of attorneys nearby who may be able to provide assistance.

If you decide to pursue an expungement without an attorney, the app and the desktop version will help you complete the necessary paperwork for filing. Please note that you will need the minutes from your case to complete the questions in the app or online.



Where can I get the Clean Jacket app to see if I am eligible for expungement?

The Clean Jacket app is a FREE download available on iTunes and Google Play. You can also visit JACLouisiana.org and use the app on our website.



How does the app work?

Using the law, JAC devised a process through which individuals can be educated on the general likelihood of an expungement occurring. Without a direct review of an individual's particular arrest or conviction, however, the app cannot advise individuals on the success of filing a Motion of Expungement in any Louisiana court. Instead, the app provides a list of private and/or pro bono attorneys who can provide expungement services according to the user's geo-location or zip code.

FREQUENTLY USED WORDS AND THEIR DEFINITIONS

This section will define several words and phrases for you.

Background Check: A background check will show what your criminal record looks like in a given parish.

Bar Association: An organization of lawyers established to promote professional competence, enforce standards of ethical conduct, and encourage a spirit of public service among members of the legal profession. They can be a resource for accessing legal services.

Bill of Information: A written statement that accuses a person of a crime that leads to a trial for the commission of the said crime. Also known as a complaint.

Certificate of Compliance: In expungement, a “Certificate of Compliance” is a letter that verifies that your record has been sealed. After your expungement is granted, the clerk will send a copy of the order to the local law enforcement, the local district attorney, the parish sheriff, and the Louisiana State Police. That is how the court directs each agency to seal your record from public view. After the State Police does what the judge has ordered them to do, they will send you this certificate.

Certified Copy: A photocopy of a document, judgment, or record that is signed and attested to as an accurate and a complete reproduction of the original document by a public official in whose custody the original has been placed for safekeeping.

Certified Minutes: Minutes are the written record of an official proceeding, kept by courts and corporations for future reference. Certified minutes are a certified copy of the minutes from your case.

City Court: A city court is a municipal court of a city. City courts will hear city ordinance violation and sometimes lower level state violations, such as misdemeanors.

District Court: District courts are state courts that handle violations of state laws, such as misdemeanors and felonies. Louisiana has 41 District Courts. All district courts are numbered 1 – 40, except for Orleans Parish, which is called “Orleans Parish District Court.” See also: JDC.

FREQUENTLY USED WORDS AND THEIR DEFINITIONS

DWI: Driving While Intoxicated, a crime in Louisiana. In Louisiana, drivers under 21 years old found to have a BAC (Blood Alcohol Content) of at least 0.02% will be charged with DWI. Drivers 21 years old and over found to have a BAC of at least 0.08% will be charged with DWI.

Dismissed: A dismissal terminates the proceedings against the defendant. It occurs after a Bill of Information has been filed. The District Attorney or the Court may dismiss the charges against a defendant.

Expungement: “Expungement” means removal of a record from public access but does not mean destruction of the record. An expunged record is confidential, but remains available for use by law enforcement agencies, criminal justice agencies, and other state agencies as stated under Louisiana law.

Fee Waiver: A fee waiver is a form that allows you to file for expungement without paying filing fees. It must be authorized by the District Attorney. You may qualify for a fee waiver for expungement if the following conditions apply to you:

- You have no prior felony convictions anywhere in the country.
- You have no pending felonies.
- Your case ended in an acquittal, motion to quash, or it was dismissed/refused and the time limit for prosecution has expired, and the dismissal was not the result of completion of diversion.

File: To deposit with the clerk of the court a written complaint or petition, which is the opening step in a lawsuit, motion, etc.

Hearing: A legal proceeding where an issue of law or fact is tried and evidence is presented to help determine the issue. Hearings resemble trials in that they ordinarily are held publicly and involve opposing parties. They differ from trials in that they feature more relaxed standards of evidence and procedure, and take place in a variety of settings before a broader range of authorities (judges, examiners, and lawmakers).

JDC: Stands for Judicial District Court. These are the state courts of Louisiana that handle state violations. See also: District Court.

FREQUENTLY USED WORDS AND THEIR DEFINITIONS

Minutes: The written record of an official proceeding, kept by courts for future reference.

Motion: A written or oral application made to a court or judge directing that some act be done in favor of the applicant.

Motion for Expungement: When filing a motion for expungement, you are moving, or requesting that the court expunge your record. This is what happens when you file your expungement forms and other paperwork with the clerk of court. Several agencies have an opportunity to object to your motion. If no agency objects, your expungement may be granted.

Motion to Set Aside Conviction: When filing a motion to set aside a conviction, you are moving, or requesting that the court overturn or set aside a previous judgment, verdict, or final ruling in a case. This motion must be filed before filing for expungement, if applicable.

Pre-Trial Diversion or Diversion: A system for giving a chance for a defendant to perform community service, make restitution for damage due to the crime, or obtain treatment for alcohol or drug problems and/or counselling. If the defendant cooperates and the diversion results in progress, the charges eventually may be dismissed.

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This guide designed by:



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