

## EXPUNGEMENTS - What You Should Know Before You Apply

### **AN EXPUNGEMENT ONLY APPLIES TO LOCAL AGENCIES – IT IS NOT UNIVERSAL**

You can only file for an Expungement of charges in the parish in which the charges originated.

The Calcasieu Parish Clerk of Court Office only has knowledge of charges that have been filed with our office.

### **YOU ARE RESPONSIBLE FOR GATHERING INFORMATION ON CHARGES YOU WISH TO HAVE EXPUNGED**

If you have charges that are not filed with our office to be expunged, you are responsible for gathering that information and including it on your Expungement Application.

For example, if you went to court at Lake Charles City Court or Sulphur City Court, you will need to contact their office for Expungement information.

You can obtain information about charges or possible charges from the arresting agency(ies). When you contact them, ask for all dates in which you were booked or arrested and fingerprinted. Also ask for all charges associated with those dates.

You are responsible for knowing all arrest and charge information required to complete your Expungement.

### **UNDERSTANDING THE PROCESS – A BRIEF SYNOPSIS**

The Office of the Calcasieu Parish Clerk of Court will provide you with a blank form to be completed. The two types of Expungements that may be filed are:

- 1) Motion for Expungement - This form will be used for any arrest charge or a charge that has been rejected, dismissed, nolle processed, or worthless checks.
- 2) Motion of Judgment of Acquittal and For Expungement - This form is to be used if you were given a sentence for your charge. Your sentencing minutes must reflect that you were sentence either under Article 893 or 894. If you were not sentenced under one of these Articles, you will need to consult an Attorney of Law for assistance.

### **HOW LONG DOES IT TAKE?**

The Office of the Calcasieu Parish Clerk of Court will file and process your Motion and Order once you have all of the required fees and documentation. The length of time you should allow for all agencies to complete the process is up to 8 months. Many factors determine process length.

## **HOW MUCH DOES IT COST**

Expect to spend between \$500 and \$600. This amount is made up of the various fees from all the agencies who are involved in the process. Because the fees are subject to change, see "BROCHURE: Criteria, Steps to Apply, & Cost" for the most current information.

This amount does NOT include court costs that you may owe. Court Costs MUST be paid before application.

The Clerk of Court acts as the central point of contact for the agencies and does NOT determine the fees of other agencies.

## **IF YOU PLED GUILTY**

You Were Sentenced - If you Pled Guilty and you were sentenced under Article 893 or Article 894 you will need to apply for a Motion for Expungement. You will need to check your court minutes in order to find this information.

You Were Not Sentenced - If you plead guilty and were not sentenced under Code of Criminal Procedure 893 or 894 you are not eligible for an Expungement OR if clearing time has not passed; you will need to contact an Attorney of Law for further assistance.

## **IF CHARGES DISMISSED, REJECTED, NPO**

If your charges were dismissed, rejected, NPO'd for an arrest or charge only, you will need to complete the form Motion for Expungement. You will need to follow the same instructions to process this form.

## **COMPLETION OF PROBATION/COMMUNITY SERVICE IS MANDATORY**

You must have completed all Probation and/or Community Service sentences before you can apply for an Expungement. If you were sentenced to any probation time or community service, you will need to provide our office with a letter or certificate showing proof of completion.

If you were sentenced to supervised probation, you will need to contact the Office of Probation and Parole (you may check your file to see if a letter was filed with our office). If you were sentenced to Community Service, Supervised Probation or Unsupervised Probation, required to complete any Training Courses, etc., you will need to contact the Safety Council. (Attach this information to your Motion for Expungement).

IF YOU DID NOT CONTACT THE SAFETY COUNCIL FOR YOUR SUPERVISED AND/OR UNSUPERVISED PROBATION, YOU CANNOT FILE FOR AN EXPUNGEMENT UNTIL YOU PROVIDE OUR OFFICE WITH A LETTER OR CERTIFICATE OF COMPLETION. (Safety Council of Southwest Louisiana: 337-436-3354)

## **AGENCIES USE "DATE OF ARREST" TO PROVIDE RECORDS**

You must know the arresting agency and the arrest date or charge date. All agencies will go by the arrest or charge date. (Check your record for Bill of Information for date of offense or contact the agency that arrested you.)

## **KNOW YOUR COURT DOCKET NUMBER IF ONE WAS ASSIGNED**

If you were assigned a Court docket number, you will need this information.

If you are unsure of this information, you will need to go to the Criminal Records Department of the Clerk of Court.

You will need to obtain the following:

- a Criminal Background Check\*
- a copy of the "Bill of Information"\*
- a copy of your "sentencing minutes"\*

\*There is a fee charged for the Criminal Background Check as well as any copies obtained.

If your charge is before the year 1984 you will need to do a manual search in the index books of the Criminal Records Department.

## **AGENCIES WHO ARE NOTIFIED WHEN AN EXPUNGEMENT APPLICATION IS PROCESSED**

Federal Bureau of Investigation (FBI)

Louisiana State Police

Calcasieu Parish Sheriff Office

Lake Charles Police Department

Calcasieu Parish District Attorney Office

Department of Motor Vehicles (*Only when a charge applies – Ex: DWI, license suspension*)

Arresting Agency

If another agency was involved, you are responsible for providing us with agency name and address.

## **THE APPLICANT IS RESPONSIBLE FOR COMPLETION OF THE FORM**

Our office cannot complete these forms for you, if you feel you cannot do this on your own, you will need to contact an Attorney of Law for assistance.

## **IF YOUR RECORD INVOLVES A DWI/MOTOR VEHICLE CHARGE**

The following information is needed in addition to the original Motion for Judgment of Acquittal and for Expungement with a DWI or Motor Vehicle charge that reflects a sentence under Criminal Code Procedure Article 894.

This documentation is required by the Department of Motor Vehicles in Baton Rouge. The Clerk of Court does not set these requirements.

The following additional information is to be provided if you are applying to have a DWI expunged:

- You must have been sentenced under Article 894 for the Department of Motor Vehicles to have a record of your charge. If the minutes of your sentencing do not reflect Article 894, you are not eligible for a Motion of Expungement. You will need to contact an Attorney of Law for any additional assistance.
- Put your Driver's License Number on the personal information section of the Motion of Acquittal and Motion for Expungement
- Certified copy of Waiver of Constitutional Rights and Plea of Guilty (Clerk of Court)
- Certified copy of Court Sentencing Minutes (Clerk of Court)
- Certified copy of Bill of Information (Clerk of Court)
- Letter of completion on supervised or unsupervised probation (Safety Counsel - for unsupervised and Probation Office for supervised). Certificate or letter of completion if you were sentenced to community service or any training courses. Also, if any fines were to be paid a letter of completion will be needed also.

The above documentation and Dept. of Motor Vehicle fees are in addition to the requirements to file for a Motion for Expungement.