

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 1

2024 Second Extraordinary Session

Bacala

CRIMINAL/JUSTICE: Creates the Truth and Transparency in the Louisiana Criminal Justice System Program (Item #5)

Synopsis of Senate Amendments

1. Makes technical changes.
2. Changes the date all duties and obligations of proposed law become effective from March 1, 2024, to April 19, 2024.
3. Changes effective date of the Act from March 1, 2024, to upon signature of the governor.

Digest of Bill as Finally Passed by Senate

Proposed law provides for a statement of legislative intent.

Proposed law creates the Truth and Transparency in the La. Criminal Justice System Program.

Proposed law requires each district clerk of court responsible for maintaining criminal records to provide the public electronic access to all minute entries, or summaries thereof, involving any and all matters in criminal court for any case filed on or after Jan. 1, 2020, by transmission to the online portal maintained by the La. Clerks' Remote Access Authority pursuant to present law (R.S. 13:754).

Proposed law provides that no other records or images, other than the minute entries or summary thereof, are required to be transmitted in accordance with proposed law.

Proposed law does not apply to traffic violations.

Proposed law provides that each district clerk of court and the clerk of the Juvenile Court for the Parish of Orleans who is responsible for juvenile court records shall transmit to the online portal maintained by the La. Clerks' Remote Access Authority all minute entries, or a summary thereof, involving any and all cases of juveniles accused of committing a crime of violence as defined in present law (R.S. 14:2(B)).

Proposed law provides that no other records or images, other than the minute entries or summary thereof, are required to be transmitted in accordance with proposed law.

Proposed law shall be applicable only to cases filed on or after Jan. 1, 2024.

Proposed law provides that the term "minute entries" includes but is not limited to the following, if provided to the clerk of court:

- (1) Any information available regarding arrest or summons information relative to the defendant.
- (2) Any custody or bail decisions.
- (3) The filing, amendment, or dismissal of criminal charges.
- (4) Hearings on all motions or status conferences held in the matter.
- (5) Trial or adjudication proceedings.

- (6) Court or jury decisions on guilt or adjudication.
- (7) Any sentencing hearings, including the specific sentence or sentences imposed on each count or adjudication.
- (8) The date of the court proceeding.
- (9) Identity of the judge presiding.
- (10) Identity of the prosecutor present.
- (11) Identity of the defendant.

Proposed law provides that the clerks of court and their employees and agents, the La. Clerks' Remote Access Authority, including its board members, employees, and agents, and any other state or local entity or political subdivision that is responsible for providing information to the clerks of court shall be immune from liability arising from any acts or omissions related to compliance with the provisions of proposed law. Further provides that proposed law shall not be construed to limit, withdraw, or overturn any other applicable defense or immunity available to public officials or public entities.

Proposed law provides that all duties and obligations of proposed law shall become effective on April 19, 2024.

Proposed law provides that on or before Aug. 1, 2024, the La. Clerks' Remote Access Authority, or its duly authorized representative, shall submit a written report to the speaker of the House of Representatives, the president of the Senate, and the governor, which sets forth all of the following:

- (1) Specific information detailing the progress made by it and the clerks of court towards compliance with the duties and obligations set forth in proposed law.
- (2) Specific information detailing any anticipated work to be completed to meet the duties and obligations set forth in proposed law.
- (3) Specific information detailing any anticipated dates that all remaining clerks of court are expected to be able to meet pursuant to the duties and obligations set forth in proposed law.

Proposed law provides that the written report shall be submitted by the La. Clerks' Remote Access Authority, or its duly authorized representative, at least every 120 days thereafter until such time as all clerks of court achieve compliance with the duties and obligations of proposed law.

Present law (Ch.C. Art. 412) relative to confidentiality of juvenile records, provides that records and reports concerning all matters or proceedings before the juvenile court, except traffic violations, are confidential and shall not be disclosed except as expressly authorized by present law.

Proposed law (Ch.C. Art. 412(N)) provides that records and reports in juvenile delinquency cases involving a crime of violence or a delinquent act which is a second or subsequent felony-grade adjudication shall be made available to the public. Further provides that records and reports pertaining to the medical records of the juvenile, the mental health of the juvenile, social records of the juvenile, school records of the juvenile, and any records related to the victim of the crime shall not be made available to the public.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 13:5991-5993 and Ch.C. Art. 412(N))