

2024 Second Extraordinary Session

HOUSE BILL NO. 1

BY REPRESENTATIVE BACALA

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

1 AN ACT

2 To enact Chapter 43 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 13:5991 through 5993, and Children's Code Article 412(N), relative to access
4 to criminal justice records; to establish the Truth and Transparency in the Louisiana
5 Criminal Justice System Program; to provide relative to the identification of minute
6 entries; to provide relative to access of minute entries; to require the establishment
7 of a website or online portal; to provide relative to duties and obligations; to provide
8 relative to immunity from suit; to provide for an effective date; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 43 of Title 13 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 13:5991 through 5993 is hereby enacted to read as follows:

13 CHAPTER 43. TRUTH AND TRANSPARENCY

14 IN THE LOUISIANA CRIMINAL JUSTICE SYSTEM PROGRAM

15 §5991. Legislative findings; intent

16 A. The legislature recognizes that the optimal functioning of the Louisiana
17 criminal justice system is vital to the safety, prosperity, and well-being of Louisiana
18 and its citizens. The legislature also recognizes that a fundamental requirement for

1 the proper functioning of the Louisiana criminal justice system is the ability to view,
2 review, and analyze the various documents, records, and databases evidencing the
3 actions, decisions, and events occurring within our criminal justice system. Louisiana
4 citizens, victims, and defendants should be able to readily find, access, and review
5 these documents, records, and databases for relevant, timely information on matters
6 pertinent to them and their communities. In addition, members of the legislature and
7 other relevant stakeholders must have the ability to access and review the current and
8 past actions, decisions, and events occurring within the criminal justice system in
9 order to make educated, informed decisions regarding the current operation of the
10 system and any necessary improvements or reforms.

11 B. It is therefore the intent of the legislature to provide for the creation of a
12 program designed to promote transparency within the Louisiana criminal justice
13 system by providing readily available and consistent access to minute entries
14 evidencing the actions, decisions, and events occurring within our criminal justice
15 system.

16 §5992. Truth and Transparency in the Louisiana Criminal Justice System Program;
17 creation, authority, and duties

18 A. The Truth and Transparency in the Louisiana Criminal Justice System
19 Program is hereby established under this Chapter.

20 B. For purposes of this program, each clerk of court shall have the following
21 duties and obligations:

22 (1) Each clerk of court responsible for criminal records shall provide the
23 public electronic access to all minute entries as defined in Subsection C of this
24 Section, or summary thereof, involving any and all matters in criminal court,
25 immediately upon input, through a secured online accessible connection or portal.
26 No other records or images, other than the minute entries or summary thereof, are
27 required to be produced in accordance with this Section. The provisions of this
28 Paragraph shall not apply to traffic violations.

1 (2) Notwithstanding any other provision of law to the contrary, including but
2 not limited to Children's Code Article 412, each clerk of court responsible for
3 juvenile court records shall submit to the Department of Justice all minute entries as
4 defined in Subsection C of this Section, or summary thereof, involving any and all
5 matters involving juveniles that are deemed open to the public pursuant to Children's
6 Code Article 879(B)(1). No other records or images, other than the minute entries
7 or summary thereof, are required to be produced in accordance with this Section.

8 C. For purposes of this Section, the term "minute entries" shall include but
9 not be limited to the following, if available:

10 (1) Any information available regarding arrest or summons information
11 relative to the defendant.

12 (2) Any custody or bail decisions.

13 (3) The filing, amendment, or dismissal of criminal charges.

14 (4) Hearings on all motions or status conferences held in the matter.

15 (5) Trial or adjudication proceedings.

16 (6) Court or jury decisions on guilt or adjudication.

17 (7) Any sentencing hearings, including the specific sentence or sentences
18 imposed on each count or adjudication.

19 (8) The date of the court proceeding.

20 (9) Identity of the judge presiding.

21 (10) Identity of the prosecutor present.

22 (11) Identity of the defendant.

23 (12) Identity of defense counsel, if counsel is present.

24 D. Notwithstanding any provision of law to the contrary, the clerks of court
25 and their employees and agents identified in Subsection B of this Section shall be
26 immune from suits arising from any acts or omissions related to compliance with the
27 provisions of this Section. The provisions of this Section shall not be construed to
28 limit, withdraw, or overturn any other applicable defense or immunity.

1 E. The Department of Justice shall establish a publicly accessible website or
 2 online portal that provides access to the public to the minute entries and information
 3 received pursuant to Paragraph (B)(2) of this Section.

4 §5993. Truth and Transparency in the Louisiana Criminal Justice System Program;
 5 effective date; implementation

6 A. Except as provided in Subsection B of this Section, all duties and
 7 obligations set forth in this Chapter shall become effective and enforceable one
 8 hundred twenty days after the Act creating this Chapter becomes effective.

9 B. If any clerk of court is unable to meet the duties and obligations set forth
 10 in this Chapter prior to the one hundred twenty day deadline, each clerk of court
 11 unable to meet the duties and obligations shall provide written notice to the speaker
 12 of the House of Representatives and the president of the Senate. The clerk of court
 13 shall attest to the inability to meet the deadline, shall provide a brief statement of the
 14 reasons for such inability to meet the deadline, and shall provide an anticipated date
 15 or time period to achieve compliance with the duties and obligations. Such written
 16 notice shall be required at least every sixty days thereafter until compliance with the
 17 duties and obligations of the program are achieved.

18 Section 2. Children's Code Article 412(N) is hereby enacted to read as follows:

19 Art. 412. Confidentiality of records; disclosure exceptions; sanctions

20 * * *

21 N. This Article shall not apply to records relative to any matters identified
 22 in Subparagraph (B)(1) of Children's Code Article 879, in which those records and
 23 reports shall be made available to the public. Records and reports pertaining to the
 24 medical records of the juvenile, the mental health of the juvenile, social records of
 25 the juvenile, school records of the juvenile, and any records related to the victim of
 26 the crime shall not be made available to the public.

27 Section 3. The provisions of this Act shall become effective on May 1, 2024.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1 Original

2024 Second Extraordinary Session

Bacala

Abstract: Creates the Truth and Transparency in the La. Criminal Justice System Program and provides for certain duties and obligations of clerks of court.

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 clerk of court responsible for criminal records to provide the public electronic access to all minute entries, or summaries thereof, involving any and all matters in criminal court, immediately upon input, through a secured online accessible connection or portal.

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

Proposed law does not apply to traffic violations.

Proposed law provides that each clerk of court responsible for juvenile court records shall submit to the Dept. of Justice all minute entries, or summary thereof, involving any and all matters involving juveniles that are deemed open to the public pursuant to present law (Ch.C. Art. 879(B)(1)).

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

Proposed law provides that the term "minute entries" includes but is not limited to the following, if available:

- (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.
- (12) Identity of defense counsel, if counsel is present.
- (13) Any other individuals participating in the proceedings, unless the court or existing law prohibits the disclosure of the identity of such individuals.

Proposed law provides that the clerks of court and their employees and agents identified in proposed law shall be immune from suits 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.

Proposed law provides that the Dept. of Justice shall establish a publicly accessible website or online portal that provides access to the public to the minute entries and information received pursuant to proposed law.

Proposed law provides that all duties and obligations of proposed law shall become effective and enforceable 120 days after the act creating proposed law becomes effective.

Proposed law provides that any clerk of court who is unable to meet the duties and obligations set forth in proposed law prior to the 120 day deadline shall do all of the following:

- (1) Provide written notice to the speaker of the House of Representatives and the president of the Senate.
- (2) Attest to the inability to meet the deadline.
- (3) Provide a brief statement of the reasons for such inability to meet the deadline.
- (4) Provide an anticipated date or time period to achieve compliance with the duties and obligations provided in proposed law.

Proposed law provides that such written notice shall be required at least every 60 days thereafter until compliance with the duties and obligations of the program are achieved.

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 May 1, 2024.

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