

2022 Regular Session

HOUSE BILL NO. 615

BY REPRESENTATIVE FREEMAN

LAW ENFORCEMENT: Provides relative to law enforcement records

1 AN ACT

2 To amend and reenact R.S. 44:3(A)(4)(b)(ii) and to enact R.S. 44:3(K), relative to public  
3 records; to provide relative to disclosure; to provide relative to law enforcement  
4 investigative records; to provide for disclosure to certain individuals; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 44:3(A)(4)(b)(ii) is hereby amended and reenacted and R.S. 44:3(K)  
8 is hereby enacted to read as follows:

9 §3. Records of prosecutive, investigative, and law enforcement agencies and  
10 communications districts

11 A. Nothing in this Chapter shall be construed to require disclosures of  
12 records, or the information contained therein, held by the offices of the attorney  
13 general, district attorneys, sheriffs, police departments, Department of Public Safety  
14 and Corrections, marshals, investigators, public health investigators, correctional  
15 agencies, communications districts, intelligence agencies, Council on Peace Officer  
16 Standards and Training, Louisiana Commission on Law Enforcement and  
17 Administration of Criminal Justice, or publicly owned water districts of the state,  
18 which records are:

19 \* \* \*

1 (4)

2 \* \* \*

3 (b) The initial report shall set forth:

4 \* \* \*

5 (ii) The name and identification of each and every person who is a witness  
6 to, a suspect charged with, or arrested for the alleged offense.

7 \* \* \*

8 K.(1) Unless prohibited by federal law or state law not contained in this  
9 Title, if a victim of a sex offense or his designated family member requests an  
10 opportunity to review or copy any portion of records related to the offense against  
11 the victim, the agency shall allow the victim or his designated family member to  
12 review and copy the records unless the agency certifies in writing that the matter is  
13 subject to actual or reasonably anticipated criminal litigation.

14 (2) Any document that an agency provides to any defendant after prosecution  
15 of a sex offense has been initiated shall, upon request from the victim or a designated  
16 family member, also be made available for review and copying by the requestor  
17 unless the agency certifies in writing that the records are being withheld because  
18 information in them could materially affect the prosecution or a related investigation.

19 (3) Nothing in this Subsection shall be construed to prohibit an agency from  
20 allowing a victim of a sex offense or his family member to review or copy any record  
21 related to the offense.

22 (4) For purposes of this Subsection:

23 (a) "Sex offense" has the same meaning as that provided by R.S. 15:541.

24 (b) "Designated family member" and "victim" have the same meanings as  
25 that provided by R.S. 46:1842.

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**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)]

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HB 615 Engrossed

2022 Regular Session

Freeman

**Abstract:** Provides relative to the disclosure of investigative records to a victim of a sex offense.

Present law (R.S. 44:3) provides relative to records of law enforcement agencies. Present law provides for circumstances where records are not required to be disclosed.

Present law provides that the arrest records of a person, other than the investigative police report, shall not be disclosed until a final judgment of conviction or guilty plea. Present law provides that the initial report of the officer's investigation records of the booking of the person, records of the issuance of a summons or citation, and records of the filing of a bill of information are public record.

Present law details what the initial report shall set forth including a narrative description of the alleged offense and the name and identification of each person charged with or arrested for the alleged offense.

Proposed law retains present law and provides that the report shall contain each and every person who is a witness of the alleged offense.

Proposed law provides that the agency shall allow the review and copy of such records, if requested by the victim of a sex offense or designated family member, unless the agency certifies in writing that the records are subject to actual or reasonably anticipated criminal litigation.

Proposed law provides that the agency shall provide, to a victim of a sex offense or his family member, any document that has been provided to any defendant after prosecution of a sex offense has been initiated, unless the agency certifies in writing that the records are being withheld because information in them could materially affect the prosecution or related investigation.

Proposed law provides that proposed law shall not be construed as prohibiting an agency from allowing the release of the record to the victim or designated family member.

(Amends R.S. 44:3(A)(4)(b)(ii); Adds 44:3(K))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Remove provisions of proposed law relative to access to records prepared by an attorney acting on behalf of a public body and authorizing the custodian to redact mental impressions and legal advice consistent with the attorney-client privilege from such records.
2. Remove proposed law providing that present law does not prohibit release of any portion of an investigation to a victim or family member unless the custodian determines that the release would materially affect pending or anticipated criminal litigation and providing that if such a determination was made the

victim shall be entitled to receive a status update on the charges and investigation within 10 days and prohibiting withholding a report from a victim after a period of 45 days.

3. Add proposed law regarding a victim's access to records regarding a sex offense as outlined in the above digest.