

2024 Second Extraordinary Session

SENATE BILL NO. 13

BY SENATOR SEABAUGH

CRIMINAL JUSTICE. Creates the Truth and Transparency in the Louisiana Criminal Justice System Program. (5/1/24) (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 Art. 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
17 Louisiana criminal justice system is vital to the safety, prosperity, and

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

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

18 §5992. Truth and Transparency in the Louisiana Criminal Justice System
19 Program; creation, authority, and duties

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

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

24 (1) Each clerk of court responsible for criminal records shall provide the
25 public electronic access to all minute entries as defined in Subsection C of this
26 Section, or summary thereof, involving any and all matters in criminal court,
27 immediately upon input, through a secured online accessible connection or
28 portal. No other records or images, other than the minute entries or summary
29 thereof, are required to be produced in accordance with this Section. The

1 provisions of this Paragraph shall not apply to traffic violations.

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

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

12 (1) Any information available regarding arrest or summons information
13 relative to the defendant.

14 (2) Any custody or bail decisions.

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

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

17 (5) Trial or adjudication proceedings.

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

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

21 (8) The date of the court proceeding.

22 (9) Identity of the judge presiding.

23 (10) Identity of the prosecutor present.

24 (11) Identity of the defendant.

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

26 D. Notwithstanding any provision of law to the contrary, the clerks of
27 court and their employees and agents identified in Subsection B of this Section
28 shall be immune from suits arising from any acts or omissions related to
29 compliance with the provisions of this Section. The provisions of this Section

1 shall not be construed to limit, withdraw, or overturn any other applicable
2 defense or immunity.

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

6 §5993. Truth and Transparency in the Louisiana Criminal Justice System

7 Program; effective date; implementation

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

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

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

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

23 * * *

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

1 **public.**

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jonathon Wagner.

DIGEST

SB 13 Original

2024 Second Extraordinary Session

Seabaugh

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 records of traffic violations.

Proposed law provides that each clerk of court responsible for juvenile court records is to 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.

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 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.

Proposed law provides that the clerks of court and their employees and agents identified in proposed law are immune from suits arising from any acts or omissions related to compliance with the provisions of proposed law. Further provides that proposed law does not limit, withdraw, or overturn any other applicable defense or immunity.

Proposed law provides that the Dept. of Justice is to 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 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 must 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 written notice is required at least every 60 days thereafter until compliance with the duties and obligations of the program are achieved.

Present law 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 cannot be disclosed except as expressly authorized by present law.

Proposed law 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 must be made available to the public. Proposed law 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 cannot be made available to the public.

Effective May 1, 2024.

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