

2025 Regular Session

HOUSE BILL NO. 38

BY REPRESENTATIVE BACALA

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC RECORDS: Provides relative to records of prosecutive, investigative, and law enforcement agencies and communications districts

1 AN ACT

2 To amend and reenact R.S. 44:3(A)(4)(b)(ii); relative to public records; to provide relative  
3 to law enforcement investigation records; to provide for the records of the  
4 Department of Wildlife and Fisheries; to provide for the disclosure of certain  
5 individuals; and to provide 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 to read as follows:

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

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

18 \* \* \*  
19 (4)  
20 \* \* \*

1 (b) The initial report shall set forth:

2 \* \* \*

3 (ii) The name and identification of each and every person who is ~~a witness~~  
4 ~~to~~, a suspect charged with, or arrested for the alleged offense, unless prohibited or  
5 protected by federal law or state law not contained in this Title.

6 \* \* \*

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 38 Engrossed

2025 Regular Session

Bacala

**Abstract:** Provides relative to the contents of an initial report from the officer or officers investigating a complaint.

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 judgement of conviction or guilty plea. 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 the records of the filing of the bill of information are public record.

Present law requires the initial report to include certain information, including a narrative description of the alleged offense and the name and identification of each and every person who is a witness to, a suspect charged with, or arrested for the alleged offense.

Present law provides that the initial report is not required to include names and identification of persons if prohibited by federal law or state law other than public records laws.

Proposed law removes the requirement that the initial report include each and every person who is a witness to the alleged offense. Otherwise retains present law.

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

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Add the Department of Wildlife and Fisheries to the list of departments and agencies that present law and proposed law apply to.