
DIGEST

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HB 321 Reengrossed

2023 Regular Session

Villio

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

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

Proposed law requires the clerks of court to have certain duties and obligations, including the following:

- (1) The clerk of court for Caddo Parish shall 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, and shall provide electronic access to minute entries involving any and all matters in criminal court, immediately upon input, through a secured online accessible connection or portal to the Dept. of Justice.
- (2) The clerk of court for the Criminal District Court for Orleans Parish shall 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, and shall provide electronic access to minute entries involving any and all matters in criminal court, immediately upon input, through a secured online accessible connection or portal to the Dept. of Justice.
- (3) The clerk of court for East Baton Rouge Parish shall 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, and shall provide electronic access to minute entries involving any and all matters in criminal court, immediately upon input, through a secured online accessible connection or portal to the Dept. of Justice.

Proposed law does not apply to traffic violations.

Proposed law further requires the clerk of court for Caddo Parish, the clerk of court for the Juvenile Court or the Criminal District Court for the parish of Orleans, and the clerk of court for East Baton Rouge Parish to provide the public electronic access to all minute entries, or summaries thereof, involving any and all matters involving juveniles accused of certain enumerated offenses and

attempts to commit any of them, through a secured online accessible connection or portal.

Proposed law requires the Dept. of Justice to establish a publicly accessible website or online portal for certain records.

Proposed law provides that no other records or images, other than the minute entries or summaries thereof, are required to be produced.

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 and the Dept. of Justice shall be immune from suits arising from any acts or omissions related to compliance with the provisions of proposed law.

Provides that the duties and obligations of proposed law shall become effective and enforceable 120 days after the Act creating proposed law becomes effective. Provide that the duties and obligations

for the clerks of court relative to certain juvenile records shall become effective and enforceable 180 days after the Act creating proposed law becomes effective. Further provides relative the requirement for written notice if the clerks of court are unable to meet their duties and obligations in proposed law.

Further provides that proposed law shall become null, void, and without effect on July 1, 2025.

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 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 when an Act of the legislature appropriates monies for the implementation of proposed law.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove proposed law language regarding access to documents, records, and databases and provide for access to minute entries.
2. Provide for what the term "minute entries" includes.
3. Require the clerk of court for the Juvenile Court of Orleans Parish to provide electronic access all minute entries involving any and all matters involving juveniles accused of having committed a delinquent act.
4. Require the 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 to be made available to the public.
5. Provide that records and reports pertaining to medical records of the juvenile, mental health of the juvenile, social records of the juvenile, and any records related to the victim of the crime shall not be made available to the public.
6. Provide that the clerks of court and the Dept. of Justice shall be immune from any suits

arising from any actions or omissions related to proposed law.

The House Floor Amendments to the engrossed bill:

1. Provide that the clerks of court in proposed law shall provide the public electronic access to all minute entries or a summary thereof involving any and all matters in criminal court.
2. Provide that no other records or images, other than minute entries or summaries, are required to be produced.
3. Provide that proposed law shall not apply to traffic violations.
4. Remove proposed law relative to the access to minute entries for matters involving juveniles accused of having committed a delinquent act when certain information is present.
5. Provide for access to minute entries or a summary thereof involving any and all matters involving juveniles accused of certain enumerated offenses.
6. Provide that employees and agents of the clerks of court shall be immune from suits arising from proposed law.
7. Remove proposed law relative to proposed law becoming effective and enforceable 30 days after the Act becomes effective.
8. Provide relative to a time period in which the proposed law duties and obligations become effective and enforceable.
9. Add school records of the juvenile to the list of records and reports that are not available to the public.
10. Make provisions of proposed law effective when the legislature appropriates monies for implementation of proposed law.