

2025 Regular Session

HOUSE BILL NO. 49

BY REPRESENTATIVE MELERINE

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

PARDON/PAROLE: Provides relative to the confidentiality of records from certain hearings of the Board of Pardons and committee on parole

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AN ACT

To amend and reenact R.S. 44:4.1(B)(8) and to enact R.S. 14:81.5.1 and R.S. 15:574.12.1, relative to records from certain hearings of the Board of Pardons and committee on parole; to create the crime of unlawful posting of certain hearings of the Board of Pardons and committee on parole; to provide for a definition; to provide for exceptions; to provide for penalties; to provide for a public records exception; to provide for the authorization of a court or administrative law judge; to provide for disclosure procedures; to provide for a protective order; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:81.5.1 is hereby enacted to read as follows:

§81.5.1. Unlawful posting; records of certain hearings of the Board of Pardons and committee on parole

A. It shall be unlawful for any person to knowingly and intentionally obtain a recording, live-stream, audio, video, or written transcript of any hearing of the Board of Pardons and committee on parole that involves a victim who is a minor or a victim of a sex offense and to transfer that recording, live-stream, audio, video, or written transcript of the hearing by the use of a computer online service, internet service, or any other means of electronic communication. Such service or

1 communication shall include but not be limited to a local bulletin board service,  
2 internet chat room, electronic mail, or online messaging service.

3 B. For purposes of this Section, "live-stream" means a video of a hearing  
4 distributed on the internet while the hearing is taking place.

5 C. The provisions of this Section shall not prohibit any of the following from  
6 requesting and obtaining a copy of the hearing:

7 (1) The defendant.

8 (2) The lawyer or legal representative of the defendant.

9 (3) The victim, or spouse or next of kin of a deceased victim.

10 (4) The legal guardian of the victim.

11 (5) Any person who has been granted authorization pursuant to R.S.  
12 15:574.12.1.

13 D. Whoever violates the provisions of this Section shall be fined not more  
14 than five hundred dollars or imprisoned for not more than six months, or both.

15 Section 2. R.S. 15:574.12.1 is hereby enacted to read as follows:

16 §574.12.1. Records of certain hearings before the Board of Pardons and committee  
17 on parole; confidentiality

18 A. For the purposes of this Section, "documented hearing" shall mean the  
19 live-streamed, recorded, or archived video as well as the written transcript of any  
20 hearing of the Board of Pardons and committee on parole.

21 B.(1) Any documented hearing of the Board of Pardons and committee on  
22 parole that involves a victim who is a minor or a victim of a sex offense is  
23 confidential and is not subject to the Public Records Law.

24 (2) Disclosure of any documented hearing may be made only by order of a  
25 court or administrative law judge of competent jurisdiction pursuant to this Section.

26 C. A court or administrative law judge with competent jurisdiction may  
27 authorize the release of a copy of the documented hearing if all of the following  
28 conditions are met:

1           (1) A request to obtain a copy of the documented hearing has been submitted  
2           to the court or administrative law judge.

3           (2) An in-camera inspection has occurred and the court or administrative law  
4           judge has determined that the documented hearing is relevant and necessary to the  
5           purposes set forth by the requestor.

6           (3) The requestor has satisfied his burden by clear and convincing evidence  
7           regarding why he is entitled to obtain a copy of the documented hearing.

8           D.(1) If the requirements of Subsection B of this Section have been met, the  
9           court or administrative law judge may order in writing that a copy of the documented  
10          hearing be disclosed to the requestor or his legal representative subject to a five-day  
11          protective order pursuant to Paragraph (2) of this Subsection.

12          (2) The protective order shall include all of the following information:

13          (a) The name of the requestor and his legal representative, if applicable, who  
14          are the only individuals permitted to view or be in possession of the documented  
15          hearing.

16          (b) The documented hearing is in the exclusive custody of the court and that  
17          the documented hearing shall not be copied, photographed, duplicated, or otherwise  
18          reproduced except as a written transcript that protects the identity of the victim by  
19          the use of initials.

20          (c) If the requestor is not represented by an attorney, the requestor shall not  
21          be given a copy of the documented hearing but shall be given reasonable access to  
22          view the documented hearing by the custodian of the documented hearing.

23          (d) Attorneys and custodians of the documented hearing shall file their copy  
24          of the documented hearing with the clerk of court under the seal of the court upon  
25          expiration of the protective order.

26          (e) The unlawful possession, sale, duplication, distribution, transfer, copying,  
27          or posting of any documented hearing of the Board of Pardons and committee on  
28          parole that involves a victim who is minor or a victim of a sex offense is punishable  
29          pursuant to R.S. 14:81.5.1.

1           E. Any violation of this Section shall be punishable as contempt of court.

2           F. The conditions of Subsection B of this Section shall not apply to the  
3           following persons who request a copy of the documented hearing:

4                 (1) The defendant.

5                 (2) The lawyer or legal representative of the defendant.

6                 (3) The victim, or spouse or next of kin of a deceased victim.

7                 (4) The legal guardian of the victim.

8           G. Nothing in this Section shall prevent the Department of Public Safety and  
9           Corrections or law enforcement from sharing information as authorized or required  
10           by state or federal law.

11           Section 3. R.S. 44:4.1(B)(8) is hereby amended and reenacted to read as follows:

12           §4.1. Exceptions

13   \*       \*       \*

14           B. The legislature further recognizes that there exist exceptions, exemptions,  
15           and limitations to the laws pertaining to public records throughout the revised  
16           statutes and codes of this state. Therefore, the following exceptions, exemptions, and  
17           limitations are hereby continued in effect by incorporation into this Chapter by  
18           citation:

19   \*       \*       \*

20                                   (8) R.S. 15:242, 440.6, 440.8, 477.2, 549, 570, 574.12, 574.12.1, 578.1, 587,  
21           587.1.2, 616, 660, 840.1, 1176, 1204.1, 1212.1(E), 1507

22   \*       \*       \*

23           Section 4. This Act shall be cited and referred to as "The Maggie Grace Act".

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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 49 Original

2025 Regular Session

Melerine

**Abstract:** Provides relative to the confidentiality of certain hearings before the Board of Pardons and committee on parole.

Proposed law (R.S. 14:81.5.1) provides that it shall be unlawful for any person to knowingly and intentionally obtain a recording, live-stream, audio, video, or written transcript of any hearing of the Board of Pardons and committee on parole that involves a victim who is a minor or a victim of a sex offense and to transfer that recording, live-stream, audio, video, or written transcript of the hearing by the use of a computer online service, internet service, or any other means of electronic communication.

Proposed law further provides that such service or communication shall include but not be limited to a local bulletin board service, internet chat room, electronic mail, or online messaging service.

Proposed law defines the term "live-stream".

Proposed law shall not prohibit any of the following from requesting and obtaining a copy of the hearing:

- (1) The defendant.
- (2) The lawyer or legal representative of the defendant.
- (3) The victim, or spouse or next of kin of a deceased victim.
- (4) The legal guardian of the victim.
- (5) Any person who has been granted authorization pursuant to proposed law (R.S. 15:574.12.1).

Proposed law provides that whoever violates the provisions of proposed law shall be fined not more than \$500 or imprisoned for not more than six months, or both.

Proposed law (R.S. 15:574.12.1) defines the term "documented hearing".

Proposed law provides that any documented hearing of the Board of Pardons and committee on parole that involves a victim who is minor or a victim of a sex offense is confidential and is not subject to the Public Records Law.

Proposed law authorizes the disclosure of any documented hearing only by order of a court or administrative law judge of competent jurisdiction pursuant to proposed law.

Proposed law provides that a court or administrative law judge with competent jurisdiction may authorize the release of a copy of the documented hearing if all of the following conditions are met:

- (1) A request to obtain a copy of the documented hearing has been submitted to the court or administrative law judge.
- (2) An in camera inspection has occurred and the court or administrative law judge has determined that the documented hearing is relevant and necessary to the case under review.
- (3) The requestor has satisfied his burden by clear and convincing evidence regarding why he is entitled to obtain a copy of the documented hearing.

Proposed law provides that if the requirements of proposed law have been met, the court or administrative law judge may order in writing that a copy of the documented hearing be disclosed to the requestor or his legal representative subject to a five-day protective order pursuant to proposed law.

Proposed law provides that the protective order shall include all of the following information:

- (1) The name of the requestor and his legal representative, if applicable, who are the only individuals permitted to view or be in possession of the documented hearing.
- (2) The documented hearing is in the exclusive custody of the court and that the documented hearing shall not be copied, photographed, duplicated, or otherwise reproduced except as a written transcript that protects the identity of the victim by the use of initials.
- (3) If the requestor is not represented by an attorney, the requestor shall not be given a copy of the documented hearing but shall be given reasonable access to view the documented hearing by the custodian of the recording.
- (4) Attorneys and custodians of the documented hearing shall file their copy of the documented hearing with the clerk of court under the seal of the court upon expiration of the protective order.
- (5) The unlawful possession, sale, duplication, distribution, transfer, copying, or posting of any documented hearing of the Board of Pardons and committee on parole that involves a victim who is a minor or a victim of a sex offense is punishable pursuant to R.S. 14:81.5.1.

Proposed law provides that any violation of proposed law shall be punishable as contempt of court.

Proposed law provides that the conditions of proposed law shall not apply to the following persons who request a copy of the hearing:

- (1) The defendant.
- (2) The lawyer or legal representative of the defendant.
- (3) The victim, or spouse or next of kin of a deceased victim.
- (4) The legal guardian of the victim.

Proposed law provides that nothing in proposed law shall prevent the DPS&C or law enforcement from sharing information as authorized or required by state or federal law.

Present law (R.S. 44:4.1(B)(8)) provides for a listing of exemptions from public disclosure of certain information contained in present law (Title 15 of the La. R.S.).

Proposed law amends present law to include a cross-reference to proposed law (R.S. 15:574.12.1).

Proposed law shall be cited and referred to as "The Maggie Grace Act".

(Amends R.S. 44:4.1(B)(8); Adds R.S. 14:81.5.1 and R.S. 15:574.12.1)