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## DIGEST

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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)