

Regular Session, 2014

SENATE BILL NO. 571

BY SENATOR WALSWORTH

PUBLIC DEFENDER. Requires the Louisiana Bureau of Criminal Identification and Information to make certain records available to public defenders. (8/1/14)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 717(C) and R.S. 15:587(A)(1)(a),  
3 relative to public defenders; to require the Louisiana Bureau of Criminal  
4 Identification and Information to release criminal history records and identification  
5 files to public defenders; to provide for the disclosure of inducements or records of  
6 arrests and convictions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Art. 717(C) is hereby amended and reenacted  
9 to read as follows:

10 Art. 717. Disclosure by the state; criminal records of defendant and witnesses;  
11 inducements to the state's witnesses

12 \* \* \*

13 C. The time for disclosure provided for by this Article shall be set by the  
14 court, provided that the district attorney shall ~~not be required to~~ disclose inducements  
15 or records of arrests and convictions ~~until~~ **no later than thirty days prior to** the  
16 commencement of trial. For any witness called by the state in its rebuttal case, the  
17 record of arrests and convictions of the rebuttal witness, and any inducement offered

1 by the district attorney, or by any law enforcement officer on behalf of the district  
2 attorney, to secure testimony of the witness in the state's rebuttal case shall be  
3 disclosed immediately prior to the witness being sworn.

4 \* \* \*

5 Section 2. R.S. 15:587(A)(1)(a) is hereby amended and reenacted to read as follows:

6 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal

7 Identification and Information

8 A.(1)(a) The bureau shall make available upon request, or at such other times  
9 as the deputy secretary shall designate, to any eligible criminal justice agency and  
10 the Department of Health and Hospitals, the state fire marshal when reviewing  
11 applications for licensure, the Department of Children and Family Services, the  
12 Department of Insurance, the Louisiana State Racing Commission, the Senate and  
13 Governmental Affairs Committee, the executive director of the Louisiana Workforce  
14 Commission or his designee, the Board of River Port Pilot Commissioners, the  
15 Office of Financial Institutions in the office of the governor, the office of the  
16 disciplinary counsel of the Louisiana Attorney Disciplinary Board of the Louisiana  
17 State Bar Association; however, as to any licensed attorney such information shall  
18 be provided only after the issuance of a formal charge against the attorney, the  
19 Louisiana Supreme Court Committee on Bar Admissions, the municipal or parish  
20 department or personnel responsible for reviewing applications for alcoholic  
21 beverage outlet permits, **investigative units of a district public defender office**, and  
22 the legislative auditor any information contained in the criminal history record and  
23 identification files of the bureau. The Department of Children and Family Services  
24 may provide information secured pursuant to this Subsection to all federal and state  
25 agencies providing child support enforcement services.

26 \* \* \*

---

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

---

DIGEST

Walsworth (SB 571)

Present law requires the Louisiana Bureau of Criminal Identification and Information to make available to certain entities any information contained in the criminal history record and identification files of the bureau.

Proposed law retains present law and further requires the bureau to make available any information contained in the criminal history record and identification files of the bureau to investigative units of a district public defender office.

Present law provides that upon a written motion of the defendant, the court shall order the district attorney (or the law enforcement agency) to disclose to the defendant, the record of arrests and convictions of the defendant, any codefendant, and any witness the state calls or intends to call at trial. Also, requires the disclosure to the defendant and inducements offered by the district attorney (or law enforcement officer on behalf of the district attorney) to any state witness.

Proposed law retains present law.

Present law provides that the disclosure shall be set by the court, but shall not be required prior to the commencement of trial, or for any rebuttal witness, such disclosure shall be immediately prior to the witness being sworn in.

Proposed law changes the timing of the disclosure from not prior to the commencement of trial to no later than 30 days prior to commencement of trial. Proposed law retains present law as to the timing of disclosure for rebuttal witnesses.

Effective August 1, 2014.

(Amends C.Cr.P. Art. 717(C) and R.S. 15:587(A)(1)(a))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Adds provisions regarding the timing of the disclosure to a defendant of certain records of arrests and convictions and any inducements.