

2019 Regular Session

SENATE BILL NO. 147

BY SENATOR BISHOP

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

CRIMINAL RECORDS. Protects from disclosure certain information pertaining to criminal investigations in the custody of Project NOLA. (8/1/19)

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AN ACT

To enact R.S. 15:477.3, relative to competency of witnesses; to provide that certain images and records in the custody of Project NOLA are not subject to disclosure to any court or administrative body; to provide definitions; to provide relative to exceptions to protection from disclosure; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:477.3 is hereby enacted to read as follows:

**§477.3. Privileged images and communications in the custody of Project NOLA**

**A. As used in this Section, the following terms shall have the following meanings unless the context clearly requires otherwise:**

**(1) "Project NOLA" means the private, nonprofit organization, designated as exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, that operates a networked crime camera program and provides crime cameras to residents, business owners, developers, associations, and municipalities, and that receives crime camera video and other information concerning suspected or alleged criminal activity, which information may be forwarded to any appropriate law enforcement agency.**

1                   **(2) "Privileged communication" means information provided by any**  
 2                   **person, in any manner whatsoever, to Project NOLA for the purpose of**  
 3                   **reporting suspected or alleged criminal activity.**

4                   **(3) "Image" means any photograph, film, videotape, digital recording,**  
 5                   **still frame of a video or digital recording, or any other visual depiction or**  
 6                   **portrayal of a person or object.**

7                   **B. Project NOLA, or any official, employee, or agent thereof, shall not**  
 8                   **be required to disclose, by way of testimony or otherwise, to any court or**  
 9                   **administrative body, any image or any privileged communication received by**  
 10                   **or in the custody of Project NOLA.**

11                   **C. Any person arrested for or charged with a criminal offense may**  
 12                   **petition the court for an in-camera inspection of an image or the records of a**  
 13                   **privileged communication concerning the person received by or in the custody**  
 14                   **of Project NOLA. The petition shall allege facts showing that such image or**  
 15                   **records would provide evidence favorable to the defendant and relevant to the**  
 16                   **issue of guilt or punishment. If the court determines that the person is entitled**  
 17                   **to all or any part of such image or records, it may order production and**  
 18                   **disclosure as it deems appropriate.**

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Alden A. Clement Jr.

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DIGEST

SB 147 Original

2019 Regular Session

Bishop

Proposed law provides that neither Project NOLA, nor any official, employee, or agent thereof, can be required to disclose, by way of testimony or otherwise, to any court or administrative body, any image or any privileged communication received by or in the custody of Project NOLA.

Proposed law defines "Project NOLA" as the private, nonprofit organization, designated as exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, that operates a networked crime camera program and provides crime cameras to residents, business owners, developers, associations, and municipalities, and that receives crime camera video and other information concerning suspected or alleged criminal activity, which information may be forwarded to any appropriate law enforcement agency.

Proposed law defines "privileged communication" as information provided by any person, in any manner whatsoever, to Project NOLA for the purpose of reporting suspected or alleged criminal activity.

Proposed law defines "image" as any photograph, film, videotape, digital recording, still frame of a video or digital recording, or any other visual depiction or portrayal of a person or object.

Proposed law provides that a person arrested or charged with a crime may petition the court for an in-camera inspection of an image or records of a privileged communication concerning such person that are in the custody of Project NOLA. Proposed law further provides that the petition must allege that such image or records would provide evidence favorable to the defendant and relevant to the issue of guilt or punishment. Proposed law further provides that if the court determines that the person is entitled to all or any part of such image or records, it may order production and disclosure as it deems appropriate.

Effective August 1, 2019.

(Adds R.S. 15:477.3)