

2022 Regular Session

SENATE BILL NO. 218

BY SENATOR JACKSON

PUBLIC RECORDS. Adds a public records exception for certain raw data. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 15:148(B)(12) through (15) and R.S. 44:4.1(B)(8) and to enact
3 R.S. 15:148(B)(16) and 148.1, relative to raw data collected by the Louisiana Public
4 Defender Board; to provide for rulemaking; to provide for a public records
5 exception; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:148(B)(12) through (15) are hereby amended and reenacted and
8 R.S. 15:148(B)(16) and 148.1 are hereby enacted to read as follows:

9 §148. Rulemaking; considerations in developing rules

10 * * *

11 B. The rules shall include but not be limited to:

12 * * *

13 **(12) Establishing processes and procedures to ensure the confidentiality**
14 **of raw data.**

15 ~~(12)~~**(13)** Providing for minimum salary and compensation standards for
16 attorney, investigator, paraprofessional, and any and all other staff necessary for the
17 adequate defense of indigent defendants in criminal courts and comparable to other

1 positions of similar stature throughout the state.

2 ~~(13)~~**(14)** Establishing processes and procedures to ensure that when a case
3 that is assigned presents a conflict of interest for a public defender, the conflict is
4 identified and handled appropriately and ethically.

5 ~~(14)~~**(15)** Establishing processes and procedures to ensure that board and
6 contract personnel use information technology and workload management systems
7 so that detailed expenditure and workload data is accurately collected, recorded, and
8 reported.

9 ~~(15)~~**(16)** Establishing administrative salary ranges for compensation of
10 attorneys delivering public defender services throughout the state so that
11 compensation is based on objective policymaking, including years of service, nature
12 of the work and workload, and in consideration of variations in public defense
13 practices and procedures in rural, urban, and suburban districts as well as
14 prosecutorial and judicial processing practices, trial rates, sentencing practices, and
15 attorney experience.

16 * * *

17 **§148.1 Confidentiality**

18 **Raw data collected pursuant to R.S. 15:148(B)(11) shall be considered**
19 **confidential and exempt from the provisions of law relative to public records as**
20 **provided in R.S. 44:4.1(B)(8).**

21 Section 2. R.S. 44:4.1(B)(8) is hereby amended and reenacted to read as follows:

22 §4.1. Exceptions

23 * * *

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

29 * * *

1 (8) R.S. 15:**148.1**, 242, 440.6, 477.2, 549, 570(F), 574.12, 578.1, 587,
2 587.1.2, 616, 660, 840.1, 1176, 1204.1, 1212.1(E), 1507

3 * * *

4 Section 3. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Matt DeVille.

DIGEST

SB 218 Engrossed 2022 Regular Session Jackson

Present law requires the Louisiana Public Defender Board to develop rules that ensure data is collected and maintained in a uniform and timely manner to allow the board sound data to support its resource needs.

Proposed law retains present law and further provides that raw data collected pursuant to these rules is considered confidential and not subject to the public records law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:148(B)(12) - (15) and R.S. 44:4.1(B)(8); adds R.S. 15:148(B)(16) and 148.1)