

## RÉSUMÉ DIGEST

ACT 630 (HB 615)

2022 Regular Session

Freeman

Existing law (R.S. 44:1 et seq.-Public Records Law) provides that all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including electronically stored information or information contained in databases or contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state are "public records". Present law establishes a framework for the ready availability of public records to requesting persons and specifically provides that it is the duty of the custodian of the public records of a public entity or agency to provide copies to persons so requesting. Provides for certain exceptions, exemptions, and limitations.

Existing law exempts from required disclosure specified types of records held by the offices of the attorney general, district attorneys, sheriffs, police departments, Dept. of Public Safety and Corrections, marshals, investigators, public health investigators, correctional agencies, communications districts, intelligence agencies, Council on Peace Officer Standards and Training, La. Commission on Law Enforcement and Administration of Criminal Justice, or publicly owned water districts.

Existing law, relative to records held by such entities, provides generally that records of the arrest of a person are exempt from disclosure until a final judgment of conviction or the acceptance of a plea of guilty by a court of competent jurisdiction. Provides however that the initial report of an officer investigating a complaint is a public record.

Existing law specifies the required content of such an initial report, which shall include name and identification of each person charged with or arrested for the alleged offense. New law qualifies the requirement that the report include the name and identification of each person charged or arrested; provides that this is not required if inclusion is prohibited by federal law or state law other than public records laws.

New law additionally requires that the report include the name and identification of each witness of the alleged offense unless inclusion is prohibited by federal law or state law other than public records laws.

New law requires an agency to allow the victim of an offense or his designated family member to review and copy records related to the offense unless such review is prohibited by federal law or state law other than public records laws or the agency certifies that the records are subject to actual or reasonably anticipated criminal litigation.

New law requires that an agency provide to the victim of an offense or his designated family member any document that it provides to a defendant after prosecution of an offense has been initiated, unless the agency certifies in writing that the records are being withheld because information in them could materially affect the prosecution or related investigation.

New law provides that new law does not prohibit an agency from allowing the release of the record to a victim or designated family member if the agency determines the release would not impair an ongoing investigation or prosecution.

Effective August 1, 2022.

(Amends R.S. 44:3(A)(4)(b)(ii); Adds R.S. 44:3(K))