

2023 Regular Session

HOUSE BILL NO. 321

BY REPRESENTATIVE VILLIO

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

CRIMINAL/JUSTICE: Creates the Truth and Transparency in the Louisiana Criminal Justice System Pilot Program

1 AN ACT

2 To enact Chapter 43 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 13:5991 through 5993, relative to access to criminal justice records; to
4 establish the Truth and Transparency in the Louisiana Criminal Justice System Pilot
5 Program; to provide relative to the identification of records and databases; to provide
6 relative to access of identified records and databases; to require entities to provide
7 access to records and databases; to require the establishment of a website or online
8 portal; to provide relative to termination of the pilot program; to provide for an
9 effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 43 of Title 13 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 13:5991 through 5993, is hereby enacted to read as follows:

13 CHAPTER 43. TRUTH AND TRANSPARENCY

14 IN THE LOUISIANA CRIMINAL JUSTICE

15 SYSTEM PILOT PROGRAM

16 §5991. Legislative findings

17 A. The legislature recognizes that the optimal functioning of the Louisiana
18 criminal justice system is vital to the safety, prosperity, and well-being of Louisiana
19 and its citizens. The legislature also recognizes that a fundamental requirement for
20 the proper functioning of the Louisiana criminal justice system is the ability to view,

1 review, and analyze the various documents, records, and databases evidencing the
2 actions, decisions, and events occurring within the criminal justice system.
3 Louisiana citizens, victims, and defendants should be able to readily find, access, and
4 review these documents, records, and databases for relevant, timely information on
5 matters pertinent to them and their communities. In addition, members of the
6 legislature and other relevant stakeholders must have the ability to access and review
7 the current and past actions, decisions, and events occurring within the criminal
8 justice system in order to provide proper oversight of the system as a whole, as well
9 as to make educated, informed decisions regarding the current operation of the
10 system and any necessary improvements or reforms.

11 B. It is therefore the intent of the legislature to provide for the creation of a
12 specialized pilot program designed to promote transparency within the Louisiana
13 criminal justice system by providing readily available and consistent access to
14 documents, records, and databases evidencing the actions, decisions, and events
15 occurring within our criminal justice system.

16 C. The provisions of this Chapter create a pilot program entitled the Truth
17 and Transparency in the Louisiana Criminal Justice System Pilot Program.

18 §5992. Truth and Transparency in the Louisiana Criminal Justice System Pilot
19 Program; creation, authority, and duties

20 A. The Truth and Transparency in the Louisiana Criminal Justice System
21 Pilot Program is hereby established under this Chapter.

22 B. For purposes of this pilot program, the clerks of court shall have the
23 following duties and obligations:

24 (1) The clerk of court for Caddo Parish shall provide the public electronic
25 access to its documents, records, and databases involving any and all matters in
26 criminal court, immediately upon input, through a secured online accessible
27 connection or portal, and shall provide electronic access to its documents, records,
28 and databases involving any and all matters in criminal court, immediately upon

1 input, through a secured online accessible connection or portal to the Department of
2 Justice.

3 (2) The clerk of court for the Criminal District Court for the parish of
4 Orleans shall provide the public electronic access to its documents, records, and
5 databases involving any and all matters in criminal court, immediately upon input,
6 through a secured online accessible connection or portal, and shall provide electronic
7 access to its documents, records, and databases involving any and all matters in
8 criminal court, immediately upon input, through a secured online accessible
9 connection or portal to the Department of Justice.

10 (3) The clerk of court for East Baton Rouge Parish shall provide the public
11 electronic access to its documents, records, and databases involving any and all
12 matters in criminal court, immediately upon input, through a secured online
13 accessible connection or portal, and shall provide electronic access to its documents,
14 records, and databases involving any and all matters in criminal court, immediately
15 upon input, through a secured online accessible connection or portal to the
16 Department of Justice.

17 (4) Notwithstanding any other provision of law to the contrary, including but
18 not limited to Children's Code Article 412, the clerk of court for Caddo Parish, the
19 clerk of court for the Criminal District Court for the parish of Orleans, and the clerk
20 of court for East Baton Rouge Parish shall provide electronic access to its
21 documents, records, and databases involving any and all matters involving juveniles
22 accused of having committed a delinquent act as defined by Children's Code Article
23 804, immediately upon input, and any information regarding the proceedings,
24 including identifying information, when any of the following is present:

25 (a) The alleged delinquent is at least thirteen years of age or older and is
26 accused of an offense which if committed by an adult would be considered a crime
27 of violence as defined in R.S. 14:2(B).

28 (b) The alleged delinquent is at least thirteen years of age or older and the
29 delinquent act which the juvenile is accused of is a second or subsequent

1 felony-grade delinquent act, and the juvenile has at least one prior adjudication
2 involving a felony-grade delinquent act, as defined in Children's Code Article 804.

3 C. For purposes of this pilot program, the Department of Justice shall
4 establish a publicly accessible website or online portal that provides access to the
5 documents, records, and databases as provided in Subsection B of this Section, with
6 the exception that the following records shall not be made public or otherwise
7 accessible through the website or online portal:

8 (1) Any records that have been properly determined and designated as sealed
9 by a court of competent jurisdiction.

10 (2) Any records that include information designated as confidential pursuant
11 to R.S. 46:1844(W).

12 (3) Any records from juvenile court proceedings that are not pertinent to the
13 offenses alleged to have been committed by the alleged delinquent, to court decisions
14 involving release or continued custody of the alleged delinquent, or to court
15 decisions pertaining to adjudication or disposition proceedings.

16 D. Any expenses incurred by any state or local entity as set forth in this
17 Chapter shall be the obligation of the entity that incurred such expenses.

18 §5993. Truth and Transparency in the Louisiana Criminal Justice System;
19 termination

20 The duties and obligations set forth in this Chapter shall become effective and
21 enforceable thirty days after the Act creating this Chapter becomes effective. Unless
22 otherwise extended, the provisions of this Chapter shall be null, void, and without
23 effect and the Truth and Transparency in the Louisiana Criminal Justice System Pilot
24 Program shall cease to exist on July 1, 2025.

25 Section 2. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 321 Original

2023 Regular Session

Villio

Abstract: Creates the Truth and Transparency in the La. Criminal Justice System Pilot Program and provides for certain duties and obligations of clerks of court.

Proposed law creates the Truth and Transparency in the La. Criminal Justice System Pilot Program.

Proposed law requires the clerks of court to have certain duties and obligations, including the following:

- (1) The clerk of court for Caddo Parish shall provide the public electronic access to its documents, records, and databases involving any and all matters in criminal court, immediately upon input, through a secured online accessible connection or portal, and shall provide electronic access to its documents, records, and databases involving any and all matters in criminal court, immediately upon input, through a secured online accessible connection or portal to the Dept. of Justice.
- (2) The clerk of court for the Criminal District Court for the parish of Orleans shall provide the public electronic access to its documents, records, and databases involving any and all matters in criminal court, immediately upon input, through a secured online accessible connection or portal, and shall provide electronic access to its documents, records, and databases involving any and all matters in criminal court, immediately upon input, through a secured online accessible connection or portal to the Dept. of Justice.
- (3) The clerk of court for East Baton Rouge Parish shall provide the public electronic access to its documents, records, and databases involving any and all matters in criminal court, immediately upon input, through a secured online accessible connection or portal, and shall provide electronic access to its documents, records, and databases involving any and all matters in criminal court, immediately upon input, through a secured online accessible connection or portal to the Dept. of Justice.

Proposed law further requires the clerk of court for Caddo Parish, the clerk of court for the Criminal District Court for the parish of Orleans, and the clerk of court for East Baton Rouge Parish to provide electronic access to its documents, records, and databases involving any and all matters involving juveniles accused of having committed a delinquent act as defined by present law (Ch.C. Art. 804) immediately upon input and any information regarding the proceedings, including identifying information, when any of the following is present:

- (1) The alleged delinquent is at least 13 years of age or older and is accused of an offense which if committed by an adult would be considered a crime of violence.
- (2) The alleged delinquent is at least 13 years of age or older and the delinquent act for which the juvenile is accused of is a second or subsequent felony-grade delinquent act, and the juvenile has at least one prior adjudication involving a felony-grade delinquent act.

Proposed law requires the Dept. of Justice to establish a publicly accessible website or online portal for certain records.

Provides that the duties and obligations of proposed law shall become effective and enforceable 30 days after the Act creating proposed law becomes effective. Further provides that proposed law shall become null, void, and without effect on July 1, 2025.

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

(Adds R.S. 13:5991-5993)