

2023 Regular Session

HOUSE BILL NO. 477

BY REPRESENTATIVE BACALA

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

CRIMINAL/RECORDS: Provides relative to information provided when prosecuting offenses

1 AN ACT

2 To enact Code of Criminal Procedure Article 388, relative to prosecution of criminal
3 offenses; to provide relative to information provided when prosecuting offenses; to
4 require prosecuting agencies to include certain information in the indictment,
5 information, or affidavit; to provide relative to requirements for the booking agency;
6 to provide relative to requirements for the clerk of court; to authorize the supreme
7 court to report information to the Louisiana Bureau of Criminal Identification and
8 Information; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Criminal Procedure Article 388 is hereby enacted to read as
11 follows:

12 Art. 388. Additional information provided when prosecuting offenses

13 A. When instituting the prosecution of an offense involving a violation of
14 any state law or local ordinance, the prosecuting agency, when authorized to provide
15 information, shall include the following information in the indictment, information,
16 or affidavit, if provided by the booking agency:

- 17 (1) Date of the offense.
- 18 (2) Date of arrest or summons, if a summons was issued in lieu of an arrest.
- 19 (3) The state identification number of the defendant, if one has been assigned
20 to the defendant for the offense or for any prior offenses.

1 (4) Defendant demographic data to include sex, race, and date of birth, if
2 known.

3 B. The information provided in Paragraph A of this Article may be provided
4 in a separate document submitted with the bill of information, bill of indictment, or
5 summons to the clerk of court.

6 C. The booking agency shall provide the information provided in Paragraph
7 A of this Article to the prosecuting agency.

8 D. The clerk of court shall report the information provided in Paragraph A
9 of this Article, along with the disposition and disposition date, to the supreme court.

10 E. The supreme court is authorized to report the information provided in
11 Paragraph A of this Article, along with the disposition and disposition date, to the
12 Louisiana Bureau of Criminal Identification and Information.

13 F. Failure to comply with the provisions of this Article shall not constitute
14 grounds for a motion to quash.

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 477 Engrossed

2023 Regular Session

Bacala

Abstract: Provides relative to information provided when instituting the prosecution of criminal offenses.

Proposed law requires the prosecuting agency, when authorized to provide information, to include the following information in the indictment, information, or affidavit, if such information is provided by the booking agency:

- (1) Date of the offense.
- (2) Date of arrest or summons, if a summons was issued in lieu of an arrest.
- (3) The state identification number of the defendant, if one has been assigned to the defendant for the offense or for any prior offenses.
- (4) Defendant demographic data to include sex, race, and date of birth, if known.

Proposed law provides that the above proposed law information may be provided in a separate document submitted with the bill of information, bill of indictment, or summons to the clerk of court.

Proposed law further requires the booking agency to provide the information provided in proposed law to the prosecuting agency.

Proposed law requires the clerk of court to report the information provided in proposed law, along with the disposition and disposition date, to the supreme court.

Proposed law authorizes the supreme court to report the information provided in proposed law, along with the disposition and disposition date, to the La. Bureau of Criminal Identification and Information.

Proposed law provides that failure to comply with proposed law shall not constitute grounds for a motion to quash.

(Adds C.Cr.P. Art. 388)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Change proposed law references of district attorneys or city prosecutors to prosecuting agencies.
2. Require the date of arrest or summons, if a summons was issued in lieu of an arrest, to be included in the indictment, information, or affidavit.
3. Provide that defendant demographic data includes sex, race, and date of birth, if known.
4. Provide that the proposed law information may be provided in a separate document submitted with the bill of information, bill of indictment, or summons to the clerk of court.