

2023 Regular Session

HOUSE BILL NO. 321

BY REPRESENTATIVES VILLIO AND GAROFALO

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, and Children's Code Article 412(N), relative to access  
4 to criminal justice records; to establish the Truth and Transparency in the Louisiana  
5 Criminal Justice System Pilot Program; to provide relative to the identification of  
6 minute entries; to provide relative to access of minute entries; to require entities to  
7 provide access to minute entries; to require the establishment of a website or online  
8 portal; to provide relative to termination of the pilot program; to provide relative to  
9 duties and obligations; to provide relative to the confidentiality of certain juvenile  
10 records; to provide relative to immunity from prosecution; to provide for an effective  
11 date; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

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

15 CHAPTER 43. TRUTH AND TRANSPARENCY

16 IN THE LOUISIANA CRIMINAL JUSTICE

17 SYSTEM PILOT PROGRAM

18 §5991. Legislative findings

19 A. The legislature recognizes that the optimal functioning of the Louisiana  
20 criminal justice system is vital to the safety, prosperity, and well-being of Louisiana

1 and its citizens. The legislature also recognizes that a fundamental requirement for  
2 the proper functioning of the Louisiana criminal justice system is the ability to view,  
3 review, and analyze the various minute entries, or summary thereof, evidencing the  
4 actions, decisions, and events occurring within the criminal justice system. Louisiana  
5 citizens, victims, and defendants should be able to readily find, access, and review  
6 minute entries for relevant, timely information on matters pertinent to them and their  
7 communities. In addition, members of the legislature and other relevant stakeholders  
8 must have the ability to access and review the current and past actions, decisions, and  
9 events occurring within the criminal justice system in order to provide proper  
10 oversight of the system as a whole, as well as to make educated, informed decisions  
11 regarding the current operation of the system and any necessary improvements or  
12 reforms.

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

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

20 §5992. Truth and Transparency in the Louisiana Criminal Justice System Pilot  
21 Program; creation, authority, and duties

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

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

26 (1)(a) The clerk of court for Caddo Parish shall provide the public electronic  
27 access to all minute entries as defined in Subsection E of this Section, or summary  
28 thereof, involving any and all matters in criminal court, immediately upon input,  
29 through a secured online accessible connection or portal, and shall provide electronic

1 access to minute entries involving any and all matters in criminal court, immediately  
2 upon input, through a secured online accessible connection or portal to the  
3 Department of Justice. No other records or images, other than the minute entries or  
4 summary thereof, are required to be produced in accordance with this Section.

5 (b) The provisions of Subparagraph (a) of this Paragraph shall not apply to  
6 traffic violations.

7 (2)(a) The clerk of court for the Criminal District Court for the parish of  
8 Orleans shall provide the public electronic access to all minute entries as defined in  
9 Subsection E of this Section, or summary thereof, involving any and all matters in  
10 criminal court, immediately upon input, through a secured online accessible  
11 connection or portal, and shall provide electronic access to minute entries involving  
12 any and all matters in criminal court, immediately upon input, through a secured  
13 online accessible connection or portal to the Department of Justice. No other records  
14 or images, other than minute entries or summary thereof, are required to be produced  
15 in accordance with this Section.

16 (b) The provisions of Subparagraph (a) of this Paragraph shall not apply to  
17 traffic violations.

18 (3)(a) The clerk of court for East Baton Rouge Parish shall provide the  
19 public electronic access to all minute entries as defined in Subsection E of this  
20 Section, or summary thereof, involving any and all matters in criminal court,  
21 immediately upon input, through a secured online accessible connection or portal,  
22 and shall provide electronic access to minute entries involving any and all matters  
23 in criminal court, immediately upon input, through a secured online accessible  
24 connection or portal to the Department of Justice. No other records or images, other  
25 than the minute entries or summary thereof, are required to be produced in  
26 accordance with this Section.

27 (b) The provisions of Subparagraph (a) of this Paragraph shall not apply to  
28 traffic violations.

1           (4)(a) Notwithstanding any other provision of law to the contrary, including  
2           but not limited to Children's Code Article 412, the clerk of court for Caddo Parish,  
3           the clerk of court for the Juvenile Court or the Criminal District Court for the parish  
4           of Orleans, and the clerk of court for East Baton Rouge Parish shall provide the  
5           public electronic access to all minute entries as defined in Subsection E of this  
6           Section, or summary thereof, involving any and all matters involving juveniles  
7           accused of the following enumerated offenses and attempts to commit any of them,  
8           through a secured online accessible connection or portal:

9           (i) First degree murder.

10          (ii) Second degree murder.

11          (iii) Manslaughter.

12          (iv) Aggravated battery.

13          (v) Aggravated or first degree rape.

14          (vi) Forcible or second degree rape.

15          (vii) Second degree sexual battery.

16          (viii) Aggravated kidnapping.

17          (ix) Second degree kidnapping.

18          (x) Aggravated arson.

19          (xi) Aggravated burglary.

20          (xii) Armed robbery.

21          (xiii) First degree robbery.

22          (xiv) Purse snatching.

23          (xv) Assault by drive-by shooting.

24          (xvi) Carjacking.

25          (xvii) Aggravated second degree battery.

26          (xviii) Aggravated assault upon a peace officer.

27          (xix) Aggravated assault with a firearm.

28          (xx) Armed robbery; use of a firearm; additional penalty.

29          (xxi) Second degree robbery.

1            (xxii) Aggravated flight from an officer.

2            (xxiii) Home invasion.

3            (b) No other records or images, other than the minute entries or summary  
4 thereof, are required to be produced in accordance with this Section.

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

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

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

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

18            D. For purposes of this Section, the term "minute entries" shall include but  
19 not be limited to the following, if available:

20            (1) Any information available regarding arrest or summons information  
21 relative to the defendant.

22            (2) Any custody or bail decisions.

23            (3) The filing, amendment, or dismissal of criminal charges.

24            (4) Hearings on all motions or status conferences held in the matter.

25            (5) Trial or adjudication proceedings.

26            (6) Court or jury decisions on guilt or adjudication.

27            (7) Any sentencing hearings, including the specific sentence or sentences  
28 imposed on each count or adjudication.

29            (8) The date of the court proceeding.

1                   (9) Identity of the judge presiding.

2                   (10) Identity of the prosecutor present.

3                   (11) Identity of the defendant.

4                   (12) Identity of defense counsel, if counsel is present.

5                   E. Notwithstanding any provision of law to the contrary, the clerks of court  
6                   and their employees and agents identified in Subsection B of this Section and the  
7                   Department of Justice shall be immune from suits arising from any acts or omissions  
8                   related to compliance with the provisions of this Section. The provisions of this  
9                   Section shall not be construed to limit, withdraw, or overturn any other applicable  
10                  defense or immunity.

11                  §5993. Truth and Transparency in the Louisiana Criminal Justice System;  
12                  termination

13                  A. Except as provided in Subsection B of this Section, all duties and  
14                  obligations set forth in this Chapter shall become effective and enforceable one  
15                  hundred twenty days after the Act creating this Chapter becomes effective.

16                  B. The duties and obligations set forth in R.S. 13:5992(B)(4) shall become  
17                  effective and enforceable one hundred eighty days after the Act creating this Chapter  
18                  becomes effective. However, if the clerks of court are unable to meet the duties and  
19                  obligations set forth in R.S. 13:5992(B)(4) prior to the one hundred eighty day  
20                  deadline, each clerk of court unable to meet the duties and obligations shall provide  
21                  written notice to the speaker of the House of Representatives and the president of the  
22                  Senate. The clerk of court shall attest to the inability to meet the deadline, shall  
23                  provide a brief statement of the reasons for such inability to meet the deadline, and  
24                  shall provide an anticipated date or time period to achieve compliance with the duties  
25                  and obligations. Such written notice shall be required at least every sixty days  
26                  thereafter until compliance with the duties and obligations of the pilot program is  
27                  achieved.



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 all minute entries, or summaries thereof, 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 minute entries 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 does not apply to traffic violations.

Proposed law further requires the clerk of court for Caddo Parish, the clerk of court for the Juvenile Court or the Criminal District Court for the parish of Orleans, and the clerk of court for East Baton Rouge Parish to provide the public electronic access to all minute entries, or summaries thereof, involving any and all matters involving juveniles accused of certain enumerated offenses and attempts to commit any of them, through a secured online accessible connection or portal.

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

Proposed law provides that no other records or images, other than the minute entries or summaries thereof, are required to be produced.

Proposed law provides that the term "minute entries" includes but is not limited to the following, if available:

- (1) Any information available regarding arrest or summons information relative to the defendant.
- (2) Any custody or bail decisions.
- (3) The filing, amendment, or dismissal of criminal charges.
- (4) Hearings on all motions or status conferences held in the matter.
- (5) Trial or adjudication proceedings.
- (6) Court or jury decisions on guilt or adjudication.
- (7) Any sentencing hearings, including the specific sentence or sentences imposed on each count or adjudication.
- (8) The date of the court proceeding.
- (9) Identity of the judge presiding.
- (10) Identity of the prosecutor present.
- (11) Identity of the defendant.
- (12) Identity of defense counsel, if counsel is present.
- (13) Any other individuals participating in the proceedings, unless the court or existing law prohibits the disclosure of the identity of such individuals.



Proposed law provides that the clerks of court and their employees and agents identified in proposed law and the Dept. of Justice shall be immune from suits arising from any acts or omissions related to compliance with the provisions of proposed law.

Provides that the duties and obligations of proposed law shall become effective and enforceable 120 days after the Act creating proposed law becomes effective. Provide that the duties and obligations for the clerks of court relative to certain juvenile records shall become effective and enforceable 180 days after the Act creating proposed law becomes effective. Further provides relative the requirement for written notice if the clerks of court are unable to meet their duties and obligations in proposed law.

Further provides that proposed law shall become null, void, and without effect on July 1, 2025.

Present law (Ch.C. Art. 412) relative to confidentiality of juvenile records, provides that records and reports concerning all matters or proceedings before the juvenile court, except traffic violations, are confidential and shall not be disclosed except as expressly authorized by present law.

Proposed law provides that records and reports in juvenile delinquency cases involving a crime of violence or a delinquent act which is a second or subsequent felony-grade adjudication shall be made available to the public. Further provides that records and reports pertaining to the medical records of the juvenile, the mental health of the juvenile, social records of the juvenile, school records of the juvenile, and any records related to the victim of the crime shall not be made available to the public.

Effective when an Act of the legislature appropriates monies for the implementation of proposed law.

(Adds R.S. 13:5991-5993 and Ch.C. Art. 412(N))

#### Summary of Amendments Adopted by House

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

1. Remove proposed law language regarding access to documents, records, and databases and provide for access to minute entries.
2. Provide for what the term "minute entries" includes.
3. Require the clerk of court for the Juvenile Court of Orleans Parish to provide electronic access all minute entries involving any and all matters involving juveniles accused of having committed a delinquent act.
4. Require the records and reports in juvenile delinquency cases involving a crime of violence or a delinquent act which is a second or subsequent felony-grade adjudication to be made available to the public.
5. Provide that records and reports pertaining to medical records of the juvenile, mental health of the juvenile, social records of the juvenile, and any records related to the victim of the crime shall not be made available to the public.
6. Provide that the clerks of court and the Dept. of Justice shall be immune from any suits arising from any actions or omissions related to proposed law.

The House Floor Amendments to the engrossed bill:

1. Provide that the clerks of court in proposed law shall provide the public electronic access to all minute entries or a summary thereof involving any and all matters in criminal court.
2. Provide that no other records or images, other than minute entries or summaries, are required to be produced.
3. Provide that proposed law shall not apply to traffic violations.
4. Remove proposed law relative to the access to minute entries for matters involving juveniles accused of having committed a delinquent act when certain information is present.
5. Provide for access to minute entries or a summary thereof involving any and all matters involving juveniles accused of certain enumerated offenses.
6. Provide that employees and agents of the clerks of court shall be immune from suits arising from proposed law.
7. Remove proposed law relative to proposed law becoming effective and enforceable 30 days after the Act becomes effective.
8. Provide relative to a time period in which the proposed law duties and obligations become effective and enforceable.
9. Add school records of the juvenile to the list of records and reports that are not available to the public.
10. Make provisions of proposed law effective when the legislature appropriates monies for implementation of proposed law.