

GREEN SHEET REDIGEST

HB 321

2023 Regular Session

Villio

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

DIGEST

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) Requires the clerk of court for Bossier Parish to provide the public electronic access to all minute entries as defined in proposed law or summary thereof, involving all matters in criminal court, immediately upon input, through a secured online accessible connection or portal, which includes the functionality for the user to request electronic notification for any new minute entries or newly scheduled court events for a particular case. No other records or images, other than the minute entries or summary thereof, are required to be produced in accordance with proposed law. The requirements of proposed law will not apply to traffic violations.
- (2) Requires the clerk of court for Caddo Parish to provide the public electronic access to all minute entries as defined in proposed law or summary thereof, involving all matters in criminal court, immediately upon input, through a secured online accessible connection or portal, which includes the functionality for the user to request electronic notification for any new minute entries or newly scheduled court events for a particular case. No other records or images, other than the minute entries or summary thereof, are required to be produced in accordance with proposed law. The requirements of proposed law will not apply to traffic violations.
- (3) Requires the clerk of court for the Criminal District Court for Orleans Parish to provide the public electronic access to all minute entries as defined in proposed law or summary thereof, involving all matters in criminal court, immediately upon input, through a secured online accessible connection or portal, which includes the functionality for the user to request electronic notification for any new minute entries or newly scheduled court events for a particular case. No other records or images, other than the minute entries or summary thereof, are required to be produced in accordance with proposed law. The requirements of proposed law will not apply to traffic violations.
- (4) Requires the clerk of court for East Baton Rouge Parish to provide the public electronic access to all minute entries as defined in proposed law or summary thereof, involving all matters in criminal court, immediately upon input, through a secured online accessible connection or portal, which includes the functionality for the user to request electronic notification for any new minute entries or newly scheduled court events for a particular case. No other records or images, other than the minute entries or summary thereof, are required to be produced in accordance with proposed law. The requirements of proposed law will not apply to traffic violations.
- (5) Requires the clerk of court for Lafayette Parish to provide the public electronic access to all minute entries as defined in proposed law or summary thereof, involving all matters in criminal court, immediately upon input, through a secured online accessible connection or portal, which includes the functionality for the user to request electronic notification for any new minute entries or newly scheduled court events for a particular case. No other records or images, other than the minute entries or summary thereof, are required to be produced in accordance with proposed law. The requirements of proposed law will not apply to traffic violations.

Proposed law further requires the clerk of court for Bossier Parish, the clerk of court of Caddo Parish, the clerk of court for the Juvenile Court or the Criminal District Court for the parish of Orleans, the clerk of court for East Baton Rouge Parish, and the clerk of court for Lafayette Parish to submit to the Dept. of Justice all minute entries, or summaries thereof, involving all matters involving juveniles accused of certain enumerated offenses and attempts to commit any of them.

Proposed law authorizes any other clerk of court to voluntarily submit a written request to the Dept. of Justice to request to participate in the pilot program.

Proposed law requires the Dept. of Justice to perform the following duties and obligations:

- (1) Provide the public electronic access to all minute entries as provided in proposed law immediately upon input, through a secured online accessible connection or portal, which shall include the functionality for the user to request electronic notification for any new minute entries for a particular case.
- (2) Have the authority to receive from the clerks of court, and the clerks of court specified in proposed law have the authority to provide to the Dept. of Justice, all records and data, on a periodic basis, for the purpose of review, statistical analysis, and to provide reports on relevant information and results from this pilot program to the public and the legislature. Authorizes the Dept. of Justice and the clerks of court specified in proposed law to enter into agreements with each other to define the manner and methods of compliance with proposed law.
- (3) Review the written request to participate in the pilot program submitted by a clerk of court pursuant to proposed law and determine the compatibility of the clerk's system for participation in the program. Requires the Dept. of Justice to have the authority and discretion to approve or decline any such request for participation based upon such compatibility.

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.

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.

(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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the reengrossed bill

1. Adds the clerks of court for Bossier and Lafayette parishes to the pilot program.
2. Adds requirement for the Dept. of Justice to perform certain duties and obligations as follows:
 - (a) Provide public electronic access to all minute entries.
 - (b) Receive from the clerks of court, and the clerks of court specified in proposed law have the authority to provide to the Dept. of Justice, all records and data, on a periodic basis, for the purpose of review, statistical analysis, and to provide reports on relevant information and results from this pilot program to the public and the legislature.
 - (c) Review the written request submitted by a clerk of court pursuant to proposed law and determine the compatibility of the clerk's system for participation in the pilot program.
3. Removes effective date being subject to a specific appropriation for the implementation of proposed law.