
DIGEST

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HB 1 Original

2024 Second Extraordinary Session

Bacala

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

Proposed law provides for a statement of legislative intent.

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

Proposed law requires each clerk of court responsible for criminal records to 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.

Proposed law provides that no other records or images, other than the minute entries or summary thereof, are required to be produced in accordance with proposed law.

Proposed law does not apply to traffic violations.

Proposed law provides that each clerk of court responsible for juvenile court records shall submit to the Dept. of Justice all minute entries, or summary thereof, involving any and all matters involving juveniles that are deemed open to the public pursuant to present law (Ch.C. Art. 879(B)(1)).

Proposed law provides that no other records or images, other than the minute entries or summary thereof, are required to be produced in accordance with proposed law.

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 shall be immune from suits arising from any acts or omissions related to compliance with the provisions of proposed law. Further provides that proposed law shall not be construed to limit, withdraw, or overturn any other applicable defense or immunity.

Proposed law provides that the Dept. of Justice shall establish a publicly accessible website or online portal that provides access to the public to the minute entries and information received pursuant to proposed law.

Proposed law provides that all duties and obligations of proposed law shall become effective and enforceable 120 days after the act creating proposed law becomes effective.

Proposed law provides that any clerk of court who is unable to meet the duties and obligations set forth in proposed law prior to the 120 day deadline shall do all of the following:

- (1) Provide written notice to the speaker of the House of Representatives and the president of the Senate.
- (2) Attest to the inability to meet the deadline.
- (3) Provide a brief statement of the reasons for such inability to meet the deadline.
- (4) Provide an anticipated date or time period to achieve compliance with the duties and obligations provided in proposed law.

Proposed law provides that such written notice shall be required at least every 60 days thereafter until compliance with the duties and obligations of the program are achieved.

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 (Ch.C. Art. 412(N)) 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 May 1, 2024.

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