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## DIGEST

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HB 518 Original

2016 Regular Session

Broadwater

**Abstract:** Authorizes the Bd. of Examiners of Certified Shorthand Reporters, upon written request and on a confidential basis, to obtain information in an expunged record and adds an exception to the Public Records Law for certain information in the custody or control of the board concerning a person's fitness to be certified by the board .

Present law (C.Cr.P. Art. 973) provides for the confidentiality of expunged records of arrests or convictions, but provides that such records are available to law enforcement agencies, criminal justice agencies, and prosecutors for specified reasons, the person whose records was expunged or his counsel, and for or pursuant to specified court proceedings. Further provides that the information in an expunged record may be released upon written request and on a confidential basis to specified regulatory and licensing agencies.

Proposed law adds the Bd. of Examiners of Certified Shorthand Reporters to the list of regulatory and licensing agencies able to receive such information upon written request and on a confidential basis.

Present law (R.S. 44:1, et. seq. – Public Records Law) provides that all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state are "public records". Present law establishes a framework for the ready availability of public records to requesting persons and specifically provides that it is the duty of the custodian of the public records of a public entity or agency to provide copies to persons so requesting. Provides for certain exceptions, exemptions, and limitations.

Proposed law adds an exception to the Public Records Law covering records, writings, accounts, recordings, letters, exhibits, pictures, drawings, charts, photographs, memoranda, reports, examinations, or evaluations, or copies thereof, concerning the fitness of a person to receive or continue to hold a certificate issued pursuant to present law relative to certified shorthand reporters that is in the custody or control of the Bd. of Examiners of Certified Shorthand Reporters. Provides

however, that any such information may be released to the public in an administrative proceeding before the board, any final determination made by the board, and any legal grounds upon which such action is based, relative to the fitness of any person to receive or to continue to hold a such a certificate shall be a public record.

(Amends C.Cr.P Art. 973(B); Adds R.S. 44:4(51))