

2016 Regular Session

HOUSE BILL NO. 827

BY REPRESENTATIVE HILFERTY (BY REQUEST)

COURTS: Provides for public contempt proceedings

1 AN ACT

2 To enact Code of Civil Procedure Article 228, relative to contempt proceedings; to provide
3 for public proceedings for civil and criminal contempt; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 228 is hereby enacted to read as follows:

7 Art. 228. Public Contempt Proceedings

8 A. No person alleged to have committed any act or omission constituting
9 direct or constructive contempt of court, whether the act or omission is alleged to
10 constitute civil contempt or criminal contempt, shall be tried or punished by any
11 court except in proceedings open to the public, notwithstanding any other law to the
12 contrary, or the lawful exclusion of the public from other aspects of, or hearings in,
13 the same litigation.

14 B. All court pleadings, court records, and evidence upon which any direct
15 or constructive civil or criminal contempt prosecution is based shall be open to the
16 public.

17 C. The provisions of this Article shall not apply if all parties to a civil case
18 in which the contempt allegation arises stipulate that the proceedings or records may
19 be closed to the public, and the hearings and records are the type available for sealing
20 under applicable statutes. However, no court shall in any way require or promote the
21 waiver of the rights to public access provided in this Article.

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 827 Engrossed

2016 Regular Session

Hilferty

Abstract: Requires all proceedings on direct or constructive contempt of court to be open to the public unless the parties stipulate otherwise.

Present law provides procedures for hearings on contempt of court charges.

Proposed law requires that hearings on contempt of court charges be open to the public unless the parties stipulate that they may be closed to the public.

(Adds C.C.P. Art. 228)