

2023 Regular Session

HOUSE BILL NO. 321

BY REPRESENTATIVE VILLIO

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 the confidentiality of certain juvenile records; to provide relative to immunity from  
10 prosecution; to provide for an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

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

14 CHAPTER 43. TRUTH AND TRANSPARENCY

15 IN THE LOUISIANA CRIMINAL JUSTICE

16 SYSTEM PILOT PROGRAM

17 §5991. Legislative findings

18 A. The legislature recognizes that the optimal functioning of the Louisiana  
19 criminal justice system is vital to the safety, prosperity, and well-being of Louisiana  
20 and its citizens. The legislature also recognizes that a fundamental requirement for

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

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

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

18 §5992. Truth and Transparency in the Louisiana Criminal Justice System Pilot  
19 Program; creation, authority, and duties

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

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

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

1           (2) The clerk of court for the Criminal District Court for the parish of  
2           Orleans shall provide the public electronic access to all minute entries as defined in  
3           Subsection E of this Section involving any and all matters in criminal court,  
4           immediately upon input, through a secured online accessible connection or portal,  
5           and shall provide electronic access to minute entries involving any and all matters  
6           in criminal court, immediately upon input, through a secured online accessible  
7           connection or portal to the Department of Justice.

8           (3) The clerk of court for East Baton Rouge Parish shall provide the public  
9           electronic access to all minute entries as defined in Subsection E of this Section  
10          involving any and all matters in criminal court, immediately upon input, through a  
11          secured online accessible connection or portal, and shall provide electronic access  
12          to minute entries involving any and all matters in criminal court, immediately upon  
13          input, through a secured online accessible connection or portal to the Department of  
14          Justice.

15          (4) Notwithstanding any other provision of law to the contrary, including but  
16          not limited to Children's Code Article 412, the clerk of court for Caddo Parish, the  
17          clerk of court for the Juvenile Court or the Criminal District Court for the parish of  
18          Orleans, and the clerk of court for East Baton Rouge Parish shall provide electronic  
19          access to all minute entries as defined in Subsection E of this Section involving any  
20          and all matters involving juveniles accused of having committed a delinquent act as  
21          defined by Children's Code Article 804, immediately upon input, and any  
22          information regarding the proceedings, including identifying information, when any  
23          of the following is present:

24                (a) The alleged delinquent is at least thirteen years of age or older and is  
25                accused of an offense which if committed by an adult would be considered a crime  
26                of violence as defined in R.S. 14:2(B).

27                (b) The alleged delinquent is at least thirteen years of age or older and the  
28                delinquent act which the juvenile is accused of is a second or subsequent

1 felony-grade delinquent act, and the juvenile has at least one prior adjudication  
2 involving a felony-grade delinquent act, as defined in Children's Code Article 804.

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

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

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

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

16 D. Any expenses incurred by any state or local entity as set forth in this  
17 Chapter shall be the obligation of the entity that incurred such expenses.

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

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 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.
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## 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)]

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HB 321 Engrossed

2023 Regular Session

Villio

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

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) The clerk of court for Caddo Parish shall provide the public electronic access to all minute entries 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.
- (2) The clerk of court for the Criminal District Court for the parish of Orleans shall provide the public electronic access to all minute entries 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.
- (3) The clerk of court for East Baton Rouge Parish shall provide the public electronic access to all minute entries 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 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 electronic access all minute entries involving any and all matters involving juveniles accused of having committed a delinquent act as defined by present law (Ch.C. Art. 804) immediately upon input and any information regarding the proceedings, including identifying information, when any of the following is present:

- (1) The alleged delinquent is at least 13 years of age or older and is accused of an offense which if committed by an adult would be considered a crime of violence.
- (2) The alleged delinquent is at least 13 years of age or older and the delinquent act for which the juvenile is accused of is a second or subsequent felony-grade delinquent act, and the juvenile has at least one prior adjudication involving a felony-grade delinquent act.

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

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

- (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 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 30 days after the Act creating proposed law becomes effective. 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, and any records related to the victim of the crime shall not be made available to the public.

Effective upon signature of governor or lapse of time for gubernatorial action.

(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 the parish of Orleans 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.