

2019 Regular Session

HOUSE BILL NO. 75

BY REPRESENTATIVE ZERINGUE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC RECORDS: Provides for the applicability of the Public Records Law to records of the judiciary commission

1 AN ACT

2 To amend and reenact R.S. 44:10, relative to public records; to provide for the applicability
3 of the Public Records Law to certain records of the judiciary commission; to provide
4 that certain documents are public record; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 44:10 is hereby amended and reenacted to read as follows:

7 §10. Confidential nature of documents and proceedings of judiciary commission;
8 exceptions

9 A. ~~All~~ Except as otherwise provided in Subsection B of this Section,
10 documents filed with, and evidence and proceedings before the judiciary
11 commission, are confidential.

12 B.(1) The record filed by the commission with the supreme court and
13 proceedings before the supreme court are not confidential.

14 (2) Any document produced by the commission summarizing a preliminary
15 inquiry or an investigation into an allegation of judicial misconduct shall not be
16 confidential and shall be a public record subject to inspection, examination, copying,
17 and reproduction in the manner provided by this Chapter.

18 (3) Any notice to a judge upon a determination by the commission that a
19 preliminary inquiry or investigation did not disclose sufficient cause to warrant
20 further proceedings shall not be confidential and shall be a public record subject to

1 inspection, examination, copying, and reproduction in the manner provided by this
2 Chapter.

3 (4) Any reminder, caution, or admonishment from the commission to a judge
4 regarding conduct that may be contrary to the Code of Judicial Conduct shall not be
5 confidential and shall be a public record subject to inspection, examination, copying,
6 and reproduction in the manner provided by this Chapter.

7 Section 2. This Act shall become effective upon signature by the governor or, if not
8 signed by the governor, upon expiration of the time for bills to become law without signature
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
11 effective on the day following such approval.

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 75 Original

2019 Regular Session

Zeringue

Abstract: Provides that certain documents produced by the judiciary commission, including any document summarizing a preliminary inquiry or an investigation into an allegation of judicial misconduct, any notice to a judge upon a determination that a preliminary inquiry or investigation did not disclose sufficient cause to warrant further proceedings, and any reminder, caution, or admonishment to a judge regarding conduct that may be contrary to the Code of Judicial Conduct shall be public record.

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.

Present law provides that documents filed with, and evidence and proceedings before the judiciary commission, are confidential. Provides that the record filed by the commission with the supreme court and proceedings before the supreme court are not confidential.

Proposed law retains present law but specifies that the following shall not be confidential and shall be a public record subject to inspection, examination, copying, and reproduction in the manner provided by present law:

- (1) Any document produced by the commission summarizing a preliminary inquiry or an investigation into an allegation of judicial misconduct.
- (2) Any notice to a judge upon a determination by the commission that a preliminary inquiry or investigation did not disclose sufficient cause to warrant further proceedings.
- (3) Any reminder, caution, or admonishment from the commission to a judge regarding conduct that may be contrary to the Code of Judicial Conduct.

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

(Amends R.S. 44:10)