

2022 Regular Session

HOUSE BILL NO. 615

BY REPRESENTATIVE FREEMAN

LAW ENFORCEMENT: Provides relative to law enforcement records

1 AN ACT

2 To amend and reenact R.S. 44:3(A)(4)(b)(ii) and R.S. 44:4(15) and to enact R.S. 44:3(K),  
3 relative to public records; to provide relative to disclosure; to provide relative to law  
4 enforcement investigative records; to provide for disclosure to certain individuals;  
5 to provide relative to pending claims against the state; to provide for redaction of  
6 records; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 44:3(A)(4)(b)(ii) and 44:4(15) are hereby amended and reenacted  
9 and R.S. 44:3(K) is hereby enacted to read as follows:

10 §3. Records of prosecutive, investigative, and law enforcement agencies and  
11 communications districts

12 A. Nothing in this Chapter shall be construed to require disclosures of  
13 records, or the information contained therein, held by the offices of the attorney  
14 general, district attorneys, sheriffs, police departments, Department of Public Safety  
15 and Corrections, marshals, investigators, public health investigators, correctional  
16 agencies, communications districts, intelligence agencies, Council on Peace Officer  
17 Standards and Training, Louisiana Commission on Law Enforcement and  
18 Administration of Criminal Justice, or publicly owned water districts of the state,  
19 which records are:

20 \* \* \*



1 records in the custody of any municipality or parish; to any information concerning  
 2 pending legal claims in the files of any attorney representing the state or any  
 3 municipality in connection with the office of risk management, division of  
 4 administration, or any office with similar responsibilities of any municipality or  
 5 parish; or to any pending claims relating to loss reserves maintained or established  
 6 by the office of risk management, division of administration, or any office with  
 7 similar responsibilities of any municipality or parish, for any claims or for losses  
 8 incurred but not reported; however, this Chapter shall be applicable to reserves as  
 9 reported in the financial statement of the office of risk management, division of  
 10 administration, or any municipality or parish. Nothing in this Paragraph shall be  
 11 construed or interpreted in a manner as to prevent or inhibit in any manner the  
 12 chairman and vice chairman of the Joint Legislative Committee on the Budget and  
 13 the litigation subcommittee of the Joint Legislative Committee on the Budget from  
 14 obtaining dollar amounts billed by and paid to contract attorneys and experts in  
 15 defense of claims against the state that the chairman or vice chairman, or the  
 16 subcommittee determines is necessary to perform functions and duties relative to the  
 17 evaluation of performance or the determination of budget policy; however, no  
 18 legislator or any committee of the legislature shall disclose any confidential  
 19 information so obtained that would jeopardize or have a detrimental effect on the  
 20 litigating position of the state.

21 (b) Nothing in this Section shall be construed to require the wholesale  
 22 exemption of any report, correspondence, or other document prepared by an attorney  
 23 acting on behalf of a public body. Whenever possible, the custodian may redact the  
 24 attorney's mental impressions and legal advice to the public body consistent with the  
 25 attorney-client privilege.

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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 615 Original

2022 Regular Session

Freeman

**Abstract:** Provides relative to the disclosure of investigative records to victims and certain other designated purposes and provides for the redacting of certain information.

Present law (R.S. 44:3) provides relative to records of law enforcement agencies. Present law provides for circumstances where records are not required to be disclosed.

Present law provides that the arrest records of a person, other than the investigative police report, shall not be disclosed until a final judgment of conviction or guilty plea. Present law provides that the initial report of the officer's investigation records of the booking of the person, records of the issuance of a summons or citation, and records of the filing of a bill of information are public record.

Present law details what the initial report shall set forth including a narrative description of the alleged offense and the name and identification of each person charged with or arrested for the alleged offense.

Proposed law retains present law and provides that the report shall contain each and every person who is a witness of the alleged offense.

Proposed law provides that present law shall not be construed as prohibiting the release of the investigation to the victim or designated family member unless the custodian determines that the disclosure would materially or reasonably anticipated to affect pending criminal litigation.

Proposed law provides that if the custodian determines the release would affect or can be reasonably anticipated to affect pending criminal litigation, the victim shall be informed within 10 days of the determination. No custodian shall withhold a report from a victim after 45 days.

Present law (R.S. 44:4) provides for public records exceptions. Present law (R.S. 44:4(15)) provides that certain records, including legal claims in attorney files, related to pending claims in the custody of the office of risk management, division of administration, or municipality or parish shall not be disclosed. Present law provides that the Joint Legislative Committee on the Budget may obtain dollar amounts billed and paid to contract attorneys and experts in defense of claims against the state.

Proposed law retains present law and provides that nothing in present law shall require the wholesale exemption of any record prepared by an attorney acting on behalf of a public body. Proposed law further provides that the custodian may redact whenever possible mental impressions and legal advice consistent with the attorney-client privilege.

(Amends R.S. 44:3(A)(4)(b)(ii) and 4(15); Adds 44:3(K))