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## DIGEST

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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))