
DIGEST

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HB 615 Reengrossed

2022 Regular Session

Freeman

Abstract: Provides relative to the disclosure of investigative records to a victim of a sex offense.

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 the initial report is not required to include names and identification of persons if such is prohibited by federal law or state law other than public records laws.

Proposed law provides that the agency shall allow the review and copy of such records, if requested by the victim of an offense or designated family member, unless the agency certifies in writing that the records are subject to actual or reasonably anticipated criminal litigation.

Proposed law provides that the agency shall provide, to a victim of an offense or his family member, any document that has been provided to any defendant after prosecution of an offense has been initiated, unless the agency certifies in writing that the records are being withheld because information in them could materially affect the prosecution or related investigation.

Proposed law provides that proposed law shall not be construed as prohibiting an agency from allowing the release of the record to the victim or designated family member provided the agency determines it would not reasonably impair any ongoing investigation or prosecution.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Remove provisions of proposed law relative to access to records prepared by an attorney acting on behalf of a public body and authorizing the custodian to redact mental impressions and legal advice consistent with the attorney-client privilege from such records.
2. Remove proposed law providing that present law does not prohibit release of any portion of an investigation to a victim or family member unless the custodian determines that the release would materially affect pending or anticipated criminal litigation and providing that if such a determination was made the victim shall be entitled to receive a status update on the charges and investigation within 10 days and prohibiting withholding a report from a victim after a period of 45 days.
3. Add proposed law regarding a victim's access to records regarding a sex offense as outlined in the above digest.

The House Floor Amendments to the engrossed bill:

1. Make proposed law applicable to records of any offense rather than only sex offenses.
2. Condition requirement for identification of persons in an initial report on such identification not being prohibited by law.