

2020 Regular Session

HOUSE BILL NO. 555

BY REPRESENTATIVE DUPLESSIS

CRIME: Provides relative to the booking information of an arrested person

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 228(B) and to enact R.S.
3 44:3(A)(4)(d), relative to the booking of an arrested person; to provide relative to
4 booking information summaries; to prohibit public inspection of photographs
5 included in booking information summaries; to provide relative to initial reports of
6 arrested persons; to provide that the records available in an initial report shall not
7 include any photographs and shall not be open for public inspection; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Criminal Procedure Article 228(B) is hereby amended and
11 reenacted to read as follows:

12 Art. 228. Booking of arrested person, submission of booking information summary

13 * * *

14 B. A person is booked by an entry, in a book kept for that purpose, showing
15 his name and address, a list of any property taken from him, the date and time of
16 booking, and the submission of a booking information summary as provided for in
17 Paragraph C of this Article to the person making the entry in the police or jail book.
18 Every jail and police station shall keep a book for the listing of the above
19 information as to each prisoner received. The book and booking information
20 summaries shall always be open for public inspection. Any photograph included in

DIGEST

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HB 555 Original

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Duplessis

Abstract: Prohibits the public inspection of any photographs included in booking information summaries and initial reports of arrested persons, and provides that the initial report shall not include any photographs.

Present law (C.Cr.P. Art. 228) provides that a person is booked by an entry in a book kept for that purpose, showing his name and address, a list of any property taken from him, the date and time of booking, and the submission of a booking information summary. Further requires every jail and police station to keep a booking for the listing of the present law information as to each prisoner received. The book and booking information summaries are required to always be open for public inspection.

Proposed law provides that any photograph included in the present law book and booking information summaries shall only be used for administrative purposes by a jail or police station or investigative purposes by law enforcement and shall not be open for public inspection.

Present law (R.S. 44:3(A)(4)) exempts a person's arrest records from the Public Records Law until a final judgment of conviction or acceptance of a plea of guilty by a court of competent jurisdiction. However, the initial report of the officer or officers investigating a complaint, records of the booking of a person as provided in present law (C.Cr.P. Art. 228), records of the issuance of a summons or citation, and records of the filing of a bill of information shall be a public record.

Present law further provides that the initial report shall set forth:

- (1) A narrative description of the alleged offense, including appropriate details as determined by the law enforcement agency.
- (2) The name and identification of each person charged with or arrested for the alleged offense.
- (3) The time and date of the alleged offense.
- (4) The location of the alleged offense.
- (5) The property involved.
- (6) The vehicles involved.
- (7) The names of the investigating officers.

Proposed law provides that the records available to the public in the initial report and in the booking of a person in accordance with present law (C.Cr.P. Art. 228) shall not include any photographs of the person, and any photographs of the person associated with the initial report or the booking shall only be used for administrative purposes by a jail or police station or investigative purposes by law enforcement and shall not be released or open for public inspection pursuant to the provisions of present law.

(Amends C.Cr.P. Art. 228(B); Adds R.S. 44:3(A)(4)(d))