

2025 Regular Session

HOUSE BILL NO. 445

BY REPRESENTATIVE VILLIO

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

CRIMINAL/RECORDS: Provides relative to juvenile records

1 AN ACT

2 To amend and reenact Children's Code Article 412(M) and R.S. 15:576(2) and 579 and to
3 enact Children's Code Article 412(P) and R.S. 15:589.1, relative to juvenile records;
4 to provide for applicability; to provide relative to what constitutes information or
5 record of criminal history; to provide relative to duties of the Louisiana Bureau of
6 Criminal Identification and Information; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 412(M) is hereby amended and reenacted and
9 Children's Code Article 412(P) is hereby enacted to read as follows:

10 Art. 412. Confidentiality of records; disclosure exceptions; sanctions

11 * * *

12 M. Records of juvenile criminal conduct shall not be ~~made a part of any state~~
13 ~~or local~~ disseminated as a criminal background check to anyone outside of the
14 criminal justice system as defined in R.S. 15:576(5).

15 * * *

16 P. This Article shall not prohibit the creation of an interoperable set of
17 criminal justice information systems at the state and local levels pursuant to R.S.
18 15:575 et seq., or preclude the dissemination of criminal history record information
19 as defined in R.S. 15:576(2) in and to the criminal justice system as defined in R.S.
20 15:576(5).

Section 2. R.S. 15:576(2) and 579 are hereby amended and reenacted and R.S. 15:589.1 is hereby enacted to read as follows:

§576. Definitions

As used in this Chapter:

* * *

(2) The terms "criminal history record" or "criminal history record information" mean information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing, correctional supervision, and release. The terms do not include intelligence or investigatory purposes, nor ~~does it~~ do they include any identification information which does not indicate involvement of the individual in the criminal justice system. ~~The terms do not include records of juvenile criminal conduct.~~

* * *

§579. Rules and regulations

The bureau shall issue rules and regulations, consistent with United States Department of Justice requirements, the Constitution of Louisiana, the Code of Criminal Procedure, the Children's Code, and the Louisiana Revised Statutes of 1950, governing the maintenance of privacy and security of criminal history records and records of juvenile criminal conduct; governing access to and use of records maintained by the central repository; governing restrictions to access and use by authorized agencies or individuals of any state owned or operated system of communications utilized for transmitting criminal history record information to or from the bureau; and governing the purging of any information maintained by the bureau as permitted by law. Records of juvenile criminal conduct shall not be ~~made~~ a part of any state or local disseminated as a criminal background check to anyone outside of the criminal justice system as defined in R.S. 15:576(5).

* * *

1 §589.1. Handling of information; juvenile criminal conduct
2 Any information on juvenile criminal conduct obtained by the bureau under
3 this Title shall be handled in accordance with the provisions of Children's Code
4 Articles 412, 414, and 917 through 926 and shall be made available pursuant to such
5 provisions.

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 445 Reengrossed

2025 Regular Session

Villio

Abstract: Provides relative to juvenile records.

Present law (Ch.C. Art. 412) relative to confidentiality of juvenile records, provides that records and reports concerning all matters or proceedings before the juvenile court, except traffic violations, are confidential and shall not be disclosed except as expressly authorized by present law.

Proposed law retains present law.

Present law (Ch.C. Art. 412(M)) provides that records of juvenile criminal conduct shall not be made a part of any state or local criminal background check.

Proposed law amends present law to provide that records of juvenile criminal conduct shall not be disseminated as a criminal background check to anyone outside of the criminal justice system as defined in present law (R.S. 15:576(5)).

Proposed law shall not prohibit the creation of an interoperable set of criminal justice information systems at the state and local levels pursuant to present law (R.S. 15:575 et seq.) or preclude the dissemination of criminal history record information as defined in present law (R.S. 15:576(2)) in and to the criminal justice system as defined in present law (R.S. 15:576(5)).

Present law (R.S. 15:576) provides for definitions relative to the La. Bureau of Criminal Identification and Information.

Proposed law retains present law generally.

Present law (R.S. 15:576(2)) defines the terms "criminal history record" or "criminal history record information" and further specifies that these terms do not include intelligence or investigatory purposes, nor any identification information which does not indicate involvement of the individual in the criminal justice system, or records of juvenile criminal conduct.

Proposed law amends present law to remove the reference to records of juvenile criminal conduct as information that is not included within the terms "criminal history record" or "criminal history record information".

Present law (R.S. 15:579) provides for rules and regulations of the La. Bureau of Criminal Identification and Information.

Proposed law retains present law generally.

Present law provides that records of juvenile criminal conduct shall not be made a part of any state or local criminal background check.

Proposed law amends present law to provide that records of juvenile criminal conduct shall not be disseminated as a criminal background check to anyone outside of the criminal justice system as defined in present law (R.S. 15:576(5)).

Proposed law provides that any information on juvenile criminal conduct obtained by the bureau under present law shall be handled in accordance with the provisions of present law (Ch.C. Arts. 412, 414, and 917-926) and shall be made available pursuant to such provisions.

(Amends Ch.C. Art. 412(M) and R.S. 15:576(2) and 579; Adds Ch.C. Art. 412(P) and R.S. 15:589.1)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Clarify that records of juvenile criminal conduct shall not be disseminated as a criminal background check to anyone outside of the criminal justice system as defined in present law (R.S. 15:576(5)).
3. Provide that any information on juvenile criminal conduct obtained by the La. Bureau of Criminal Identification and Information shall be handled and made available in accordance with the applicable provisions of the Children's Code.