

2025 Regular Session

HOUSE BILL NO. 49

BY REPRESENTATIVES MELERINE, BACALA, BAMBURG, BOYER, COX,
FONTENOT, HORTON, KNOX, LAFLEUR, MOORE, AND WILEY

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

PARDON/PAROLE: Provides relative to the confidentiality of records from certain
hearings of the Board of Pardons and committee on parole

1 AN ACT

2 To amend and reenact R.S. 15:572.4(B)(2), 573, and 574.2(D)(9)(a), R.S. 42:17(A)(10), and
3 R.S. 44:4.1(B)(8) and to enact R.S. 14:81.5.1, R.S. 15:574.4.1(A)(3) and 574.12.1,
4 and R.S. 42:17(A)(11), relative to records from certain hearings of the Board of
5 Pardons and committee on parole; to create the crime of unlawful posting of certain
6 hearings of the Board of Pardons and committee on parole; to provide for exceptions;
7 to provide for penalties; to provide for a public records exception; to provide for
8 disclosure procedures; to provide for a protective order; to provide relative to
9 procedures and sessions before the Board of Pardons and committee on parole; to
10 provide for an exception to open meetings; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 14:81.5.1 is hereby enacted to read as follows:

13 §81.5.1. Unlawful posting; records of certain hearings of the Board of Pardons and
14 committee on parole

15 A. It shall be unlawful for any person to knowingly and intentionally obtain
16 any audio, written, or visual recording of any testimony presented by a victim, or the
17 spouse or next of kin of a deceased victim, during an executive session of the Board
18 of Pardons and committee on parole and to transfer such recording by the use of a
19 computer online service, internet service, or any other means of electronic

1 communication. Such service or communication shall include but not be limited to
2 a local bulletin board service, internet chat room, electronic mail, or online
3 messaging service.

4 B. The provisions of this Section shall not prohibit any of the following from
5 requesting and obtaining a copy of the recording:

6 (1) The defendant.

7 (2) The lawyer or legal representative of the defendant.

8 (3) The victim, or spouse or next of kin of a deceased victim.

9 (4) The legal guardian of the victim.

10 (5) Any person who has been granted authorization pursuant to R.S.
11 15:574.12.1.

12 C. Whoever violates the provisions of this Section shall be fined not more
13 than five hundred dollars or imprisoned for not more than six months, or both.

14 Section 2. R.S. 15:572.4(B)(2), 573, and 574.2(D)(9)(a) are hereby amended and
15 reenacted and R.S. 15:574.4.1(A)(3) and 574.12.1 are hereby enacted to read as follows:

16 §572.4. Board of Pardons; rules, regulations, and procedures; notice; restrictions on
17 applications; time periods for additional review

18 * * *

19 B.

20 * * *

21 (2)(a) The victim, or the spouse or next of kin of a deceased victim, shall be
22 allowed to testify at the hearing and shall be allowed to present such testimony in
23 executive session at his request.

24 (b) The victim, or the spouse or next of kin of a deceased victim, shall be
25 allowed to testify directly, or in rebuttal to testimony or evidence offered by or on
26 behalf of the offender, or both. The victim, or spouse or next of kin of a deceased
27 victim, shall be allowed to present such testimony in executive session at his request.

28 * * *

§573. Sessions of Board of Pardons open

A. All sessions of the Board of Pardons shall be public except as provided in Subsection B of this Section. No action shall be taken by the board on any pardon application at any time other than during a meeting that is open to the public. Any pardon or commutation of sentence granted outside of an open, public meeting of the board shall be null, void, and of no effect.

B. The victim, or the spouse or next of kin of a deceased victim, shall be
allowed to present testimony in executive session at his request.

* * *

§574.2. Committee on parole, Board of Pardons; membership; qualifications; vacancies; compensation; domicile; venue; meetings; quorum; panels; powers and duties; transfer of property to committee; representation of applicants before the committee; prohibitions

* * *

D. In accordance with the provisions of this Part, the committee on parole shall have the following powers and duties:

* * *

(9)(a)(i) To notify the victim, or the spouse or next of kin of a deceased victim, when the offender is scheduled for a parole hearing. The notification shall be in writing and sent by mail or electronic communications no less than ninety days prior to the hearing date. The notice shall advise the victim, or the spouse or next of kin of a deceased victim, how to obtain information about their rights with regard to the hearing. The notice is not required when the victim, or the spouse or next of kin of a deceased victim, advises the committee in writing that such notification is not desired.

(ii) The victim, or the spouse or next of kin of a deceased victim, shall be allowed to testify at the hearing and shall be allowed to present such testimony in executive session at his request. The victim, or the spouse or next of kin of a deceased victim, shall be allowed to testify directly and in rebuttal to testimony or

1 evidence offered by or on behalf of the offender and shall be allowed to present such
2 testimony in executive session at his request.

3 (iii) Nothing in this Chapter or any other provision of law shall prevent either
4 a victim from disclosing his identity or the spouse or next of kin of a deceased victim
5 from disclosing the identity of the victim while testifying at any meeting or hearing
6 of the Board of Pardons and committee on parole.

7 * * *

8 §574.4.1. Parole consideration and hearings

9 A.

10 * * *

11 (3) The victim, or the spouse or next of kin of a deceased victim, shall be
12 allowed to present testimony in executive session at his request.

13 * * *

14 §574.12.1. Testimony provided in executive session before the Board of Pardons
15 and committee on parole; confidentiality

16 A.(1) Any testimony presented at a meeting or hearing of the Board of
17 Pardons and committee on parole that has been conducted in executive session is
18 confidential and is not subject to the Public Records Law.

19 (2) Disclosure of any testimony presented in executive session may be made
20 only by order of the Nineteenth Judicial District Court pursuant to this Section.

21 B. The court may authorize the release of a copy of the testimony presented
22 in executive session if all of the following conditions are met:

23 (1) A request to obtain a copy of the testimony has been submitted to the
24 court.

25 (2) An in-camera inspection has occurred and the court has determined that
26 the testimony is relevant and necessary to the purposes set forth by the requestor.

27 (3) The requestor has satisfied his burden by clear and convincing evidence
28 regarding why he is entitled to obtain a copy of the testimony.

29 C.(1) If the requirements of Subsection B of this Section have been met, the

1 court may order in writing that a copy of the testimony be disclosed to the requestor
2 or his legal representative subject to a five-day protective order pursuant to
3 Paragraph (2) of this Subsection.

4 (2) The protective order shall include all of the following information:

5 (a) The name of the requestor and his legal representative, if applicable, who
6 are the only individuals permitted to view or be in possession of the testimony.

7 (b) The testimony is in the exclusive custody of the court and that the
8 testimony shall not be copied, photographed, duplicated, or otherwise reproduced
9 except as a written transcript that protects the identity of the victim by the use of
10 initials.

11 (c) If the requestor is not represented by an attorney, the requestor shall not
12 be given a copy of the testimony but shall be given reasonable access to view the
13 testimony by the custodian of the testimony.

14 (d) Attorneys and custodians of the testimony shall file their copy of the
15 testimony with the clerk of court of the Nineteenth Judicial District under the seal
16 of the court upon expiration of the protective order.

17 (e) The unlawful possession, sale, duplication, distribution, transfer, copying,
18 or posting of any testimony presented by a victim, or the spouse or next of kin of a
19 deceased victim, during an executive session of the Board of Pardons and committee
20 on parole is punishable pursuant to R.S. 14:81.5.1.

21 D. Any violation of this Section shall be punishable as contempt of court.

22 E. The conditions of Subsection B of this Section shall not apply to the
23 following persons who request a copy of the testimony:

24 (1) The defendant.

25 (2) The lawyer or legal representative of the defendant.

26 (3) The victim, or spouse or next of kin of a deceased victim.

27 (4) The legal guardian of the victim.

28 F. Nothing in this Section shall prevent the Department of Public Safety and
29 Corrections or law enforcement from sharing information as authorized or required

1 by state or federal law.

2 Section 3. R.S. 42:17(A)(10) is hereby amended and reenacted and R.S.
3 42:17(A)(11) is hereby enacted to read as follows:

4 §17. Exceptions to open meetings

5 A. A public body may hold an executive session pursuant to R.S. 42:16 for
6 one or more of the following reasons:

7 * * *

8 (10) The portion of any meeting or hearing of the Board of Pardons or
9 committee on parole during which a victim or the spouse or next of kin of a deceased
10 victim presents testimony pursuant to R.S. 15:572.4, 573, 574.2, or 574.4.1.

11 (11) ~~Or~~ Consideration of any other matters now provided for or as may be
12 provided for by the legislature.

13 * * *

14 Section 4. R.S. 44:4.1(B)(8) is hereby amended and reenacted to read as follows:

15 §4.1. Exceptions

16 * * *

17 B. The legislature further recognizes that there exist exceptions, exemptions,
18 and limitations to the laws pertaining to public records throughout the revised
19 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
20 limitations are hereby continued in effect by incorporation into this Chapter by
21 citation:

22 * * *

23 (8) R.S. 15:242, 440.6, 440.8, 477.2, 549, 570, 574.12, 574.12.1, 578.1, 587,
24 587.1.2, 616, 660, 840.1, 1176, 1204.1, 1212.1(E), 1507

25 * * *

26 Section 5. This Act shall be cited and referred to as "The Maggie Grace Act".

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 49 Reengrossed

2025 Regular Session

Melerine

Abstract: Provides relative to the confidentiality of certain hearings before the Board of Pardons and committee on parole.

Proposed law (R.S. 14:81.5.1) provides that it shall be unlawful for any person to knowingly and intentionally obtain any audio, written, or visual recording of any testimony presented by a victim, or the spouse or next of kin of a deceased victim, during an executive session of the Board of Pardons and committee on parole and to transfer that recording, live-stream, audio, video, or written transcript of the hearing by the use of a computer online service, internet service, or any other means of electronic communication.

Proposed law further provides that such service or communication shall include but not be limited to a local bulletin board service, internet chat room, electronic mail, or online messaging service.

Proposed law shall not prohibit any of the following from requesting and obtaining a copy of the recording:

- (1) The defendant.
- (2) The lawyer or legal representative of the defendant.
- (3) The victim, or spouse or next of kin of a deceased victim.
- (4) The legal guardian of the victim.
- (5) Any person who has been granted authorization pursuant to proposed law (R.S. 15:574.12.1).

Proposed law provides that whoever violates the provisions of proposed law shall be fined not more than \$500 or imprisoned for not more than six months, or both.

Present law (R.S.15:572.4) provides for rules, regulations, and procedures of the Board of Pardons.

Proposed law retains present law.

Present law (R.S.15:572.4(B)(2)) provides that the victim, or the spouse or next of kin of a deceased victim, shall be allowed to testify at the hearing. Further provides that the victim, or the spouse or next of kin of a deceased victim, shall be allowed to testify directly, or in rebuttal to testimony or evidence offered by or on behalf of the offender, or both.

Proposed law retains present law and provides that the victim, or the spouse or next of kin of a deceased victim, shall be allowed to present testimony in executive session at his request.

Present law (R.S.15:573) provides that sessions of the Board of Pardons are public.

Proposed law retains present law and adds that the victim, or the spouse or next of kin of a deceased victim, shall be allowed to present testimony in executive session at his request.

Present law (R.S.15:574.2) provides relative to powers, duties, and meetings of the committee on parole.

Proposed law retains present law.

Present law (R.S.15:574.2(D)(9)) provides relative to the duties of the committee of parole to notify the victim, or the spouse or next of kin of a deceased victim, when the offender is scheduled for a parole hearing. Further provides for the right of the victim, or the spouse or next of kin of a deceased victim, to testify at the parole hearing.

Proposed law retains present law and provides that the victim, or the spouse or next of kin of a deceased victim, shall be allowed to present testimony at a parole hearing in executive session at his request.

Proposed law provides that nothing in present law shall prevent either a victim from disclosing his identity or the spouse or next of kin of a deceased victim from disclosing the identity of the victim while testifying at any meeting or hearing of the Board of Pardons and committee on parole.

Present law (R.S.15:574.4.1) provides for parole consideration and hearings.

Proposed law retains present law and provides that the victim, or the spouse or next of kin of a deceased victim, shall be allowed to present testimony at a parole hearing in executive session at his request.

Proposed law (R.S. 15:574.12.1) provides that any testimony presented at a meeting or hearing of the Board of Pardons and committee on parole that has been conducted in executive session is confidential and is not subject to the Public Records Law.

Proposed law authorizes the disclosure of any testimony presented in executive session only by order of the 19th Judicial District Court pursuant to proposed law.

Proposed law provides that the court may authorize the release of a copy of the documented hearing if all of the following conditions are met:

- (1) A request to obtain a copy of the documented hearing has been submitted to the court.
- (2) An in camera inspection has occurred and the court has determined that the testimony is relevant and necessary to the case under review.
- (3) The requestor has satisfied his burden by clear and convincing evidence regarding why he is entitled to obtain a copy of the testimony.

Proposed law provides that if the requirements of proposed law have been met, the court may order in writing that a copy of the testimony be disclosed to the requestor or his legal representative subject to a five-day protective order pursuant to proposed law.

Proposed law provides that the protective order shall include all of the following information:

- (1) The name of the requestor and his legal representative, if applicable, who are the only individuals permitted to view or be in possession of the testimony.
- (2) The testimony is in the exclusive custody of the court and that the testimony shall not be copied, photographed, duplicated, or otherwise reproduced except as a written transcript that protects the identity of the victim by the use of initials.

- (3) If the requestor is not represented by an attorney, the requestor shall not be given a copy of the testimony but shall be given reasonable access to view the testimony by the custodian of the recording.
- (4) Attorneys and custodians of the testimony shall file their copy of the testimony with the clerk of court of the 19th Judicial District under the seal of the court upon expiration of the protective order.
- (5) The unlawful possession, sale, duplication, distribution, transfer, copying, or posting of any testimony presented by a victim, or the spouse or next of kin of a deceased victim, during an executive session of the Board of Pardons and committee on parole is punishable pursuant to R.S. 14:81.5.1.

Proposed law provides that any violation of proposed law shall be punishable as contempt of court.

Proposed law provides that the conditions of proposed law shall not apply to the following persons who request a copy of the testimony:

- (1) The defendant.
- (2) The lawyer or legal representative of the defendant.
- (3) The victim, or spouse or next of kin of a deceased victim.
- (4) The legal guardian of the victim.

Proposed law provides that nothing in proposed law shall prevent the DPS&C or law enforcement from sharing information as authorized or required by state or federal law.

Present law (R.S. 42:17(A)) provides for a list of reasons that a public body may hold an executive session.

Proposed law retains present law and adds that the Board of Pardons and committee on parole may hold an executive session for the presentation of testimony from the victim, or the spouse or next of kin of a deceased victim, during the portion of any meeting or hearing of the board or committee.

Present law (R.S. 44:4.1(B)(8)) provides for a listing of exemptions from public disclosure of certain information contained in present law (Title 15 of the La. R.S.).

Proposed law amends present law to include a cross-reference to proposed law (R.S. 15:574.12.1).

Proposed law shall be cited and referred to as "The Maggie Grace Act".

(Amends R.S. 15:572.4(B)(2), 573, and 574.2(D)(9)(a), R.S. 42:17(A)(10), and R.S. 44:4.1(B)(8); Adds R.S. 14:81.5.1, R.S. 15:574.4.1(A)(3) and 574.12.1, and R.S. 42:17(A)(11))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

- 1. Make technical changes.
- 2. Clarify that it is unlawful to disseminate the testimony presented by a victim, or

the spouse or next of kin of a deceased victim, during an executive session of the Board of Pardons and committee on parole rather than testimony presented by a victim who is a minor or a victim of a sex offense.

3. Remove the proposed law definition for "live-stream".
4. Change the term "hearing" to "recording" in proposed law.
5. Amend present law provisions relative to pardon and parole to clarify that the victim, or the spouse or next of kin of a deceased victim, shall be allowed to present testimony in executive session at his request.
6. Delete the proposed law definition for "documented hearing".
7. Clarify that testimony presented by any victim, or the spouse or next of kin of a deceased victim, during an executive session of the Board of Pardons and committee on parole is confidential and not subject to the Public Records Law rather than testimony presented by a victim who is a minor or a victim of a sex offense.
8. Change the term "documented hearing" to "testimony" within proposed law.
9. Clarify that only the Nineteenth Judicial District may order disclosure of any testimony presented during executive session of the Board of Pardons and committee on parole.
10. Add the presentation of testimony from the victim, or the spouse or next of kin of a deceased victim, during the portion of any meeting or hearing of the Board of Pardons and committee on parole as a reason that the board or committee may enter into executive session.

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

1. Make technical changes.