

2025 Regular Session

HOUSE BILL NO. 49

BY REPRESENTATIVES MELERINE, BACALA, BAMBURG, BOYER, CHASSION,
COX, FONTENOT, HORTON, KNOX, LAFLEUR, MOORE, AND WILEY AND
SENATORS PRESSLY AND SEABAUGH

AN ACT

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
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,
and R.S. 42:17(A)(11), relative to records from certain hearings of the Board of
Pardons and committee on parole; to create the crime of unlawful posting of certain
hearings of the Board of Pardons and committee on parole; to provide for exceptions;
to provide for penalties; to provide for a public records exception; to provide for
disclosure procedures; to provide for a protective order; to provide relative to
procedures and sessions before the Board of Pardons and committee on parole; to
provide for an exception to open meetings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

A. 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 such recording by the use of a
computer online service, internet service, or any other means of electronic
communication. 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.

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

(1) The defendant.

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

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

3 (4) The legal guardian of the victim.

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

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

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

10 §572.4. Board of Pardons; rules, regulations, and procedures; notice; restrictions on
11 applications; time periods for additional review

12 * * *

13 B.

14 * * *

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

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

22 * * *

23 §573. Sessions of Board of Pardons open

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

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

31 * * *

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

(iii) Nothing in this Chapter or any other provision of 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.

* * *

§574.4.1. Parole consideration and hearings

A.

* * *

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

3 * * *

4 §574.12.1. Testimony provided in executive session before the Board of Pardons
5 and committee on parole; confidentiality

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

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

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

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

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

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

19 C.(1) If the requirements of Subsection B of this Section have been met, the
20 court may order in writing that a copy of the testimony be disclosed to the requestor
21 or his legal representative subject to a five-day protective order pursuant to
22 Paragraph (2) of this Subsection.

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

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

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

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

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

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

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

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

14 (1) The defendant.

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

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

17 (4) The legal guardian of the victim.

18 F. Nothing in this Section shall prevent the Department of Public Safety and
19 Corrections or law enforcement from sharing information as authorized or required
20 by state or federal law.

21 Section 3. R.S. 42:17(A)(10) is hereby amended and reenacted and R.S.
22 42:17(A)(11) is hereby enacted to read as follows:

23 §17. Exceptions to open meetings

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

26 * * *

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

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

* * *

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

§4.1. Exceptions

* * *

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

* * *

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

* * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____