

2019 Regular Session

HOUSE BILL NO. 327

BY REPRESENTATIVE JAMES

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

CRIMINAL/RECORDS: Prohibits the disclosure of certain information by law enforcement officers or employees of a law enforcement agency

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AN ACT

To amend and reenact R.S. 15:596(B), (C), and (D) and to enact R.S. 15:596(E), relative to criminal identification and information; to provide relative to the disclosure or dissemination outside of law enforcement of any information relating to an arrest that did not result in a conviction; to provide relative to the disclosure or dissemination of information of misdemeanor arrests and convictions; to provide relative to the disclosure or dissemination of information of felony arrests and convictions; to provide relative to time periods; to provide for criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:596(B), (C), and (D) are hereby amended and reenacted and R.S. 15:596(E) is hereby enacted to read as follows:

§596. Penalties

* * *

B.(1) Notwithstanding the provisions of R.S. 44:3, no law enforcement officer or employee of a law enforcement agency shall disclose or disseminate outside of law enforcement any information relating to any of the following:

(a) An arrest that did not result in a conviction and the limitations on the institution of prosecution have barred the prosecution for that offense.

1 (b) A misdemeanor arrest and conviction if five years have elapsed since the
2 most recent felony or misdemeanor arrest or conviction recorded on a person's
3 Louisiana state criminal history record.

4 (c) A felony arrest and conviction if ten years have elapsed since the most
5 recent felony or misdemeanor arrest or conviction, including periods of incarceration
6 or supervision, recorded on a person's Louisiana state criminal history record.

7 (2) Any person who violates this Subsection shall be subject to removal or
8 a fine of not less than two thousand dollars nor more than five thousand dollars for
9 each offense, or both.

10 ~~B.C.~~ Any individual who shall acquire or distribute any criminal history
11 record, pursuant to this Chapter and except as authorized by law and in accordance
12 with applicable rules and regulations of the bureau, shall be fined not less than five
13 hundred nor more than one thousand dollars, and may be imprisoned for not more
14 than three months for each offense, or both.

15 ~~C.D.~~ Any individual who transmits false information, withholds information,
16 or prevents the transmission of information shall be fined not less than five hundred
17 nor more than one thousand dollars, and may be imprisoned for not more than five
18 years with or without hard labor for each offense, or both.

19 ~~D.E.~~ In addition to any criminal penalties, the deputy secretary is empowered
20 to make reasonable administrative sanctions as he deems appropriate against those
21 agencies who fail to comply with the provisions of this Chapter. Such sanctions may
22 include, but are not limited to, loss of access to equipment and files maintained by
23 the bureau.

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 327 Original

2019 Regular Session

James

Abstract: Prohibits law enforcement officers or employees of law enforcement agencies from disclosing or disseminating information relating to arrests that do not result in convictions and certain misdemeanor and felony arrest and convictions.

Present law provides that any person who acquires or distributes any criminal history record in violation of law or rules by the La. Bureau of Criminal Identification and Information to be fined not less than \$500 and not more than \$1,000, and may be imprisoned for up to three months, or both.

Present law further provides that any person who transmits false information, withholds information, or prevents the transmission of information shall be fined not less than \$500 and not more than \$1,000, and may be imprisoned for not more than five years, with or without hard labor, or both.

Proposed law retains present law and provides that no law enforcement officer or employee of a law enforcement agency shall disclose or disseminate outside of law enforcement any information relating to any of the following:

- (1) An arrest that did not result in a conviction and the time limitations on the institution of prosecution have barred prosecution for that offense.
- (2) A misdemeanor arrest and conviction if five years have passed since the most recent felony or misdemeanor arrest or conviction on a person's state criminal history record.
- (3) A felony arrest and conviction if 10 years have passed since the most recent felony or misdemeanor arrest or conviction, including periods of incarceration or supervision, on a person's state criminal history record.

Proposed law further provides that any person who violates proposed law shall be subject to removal or a fine of not less than \$2,000 and not more than \$5,000 for each offense, or both.

(Amends R.S. 15:596(B), (C), and (D); Adds R.S. 15:596(E))