
DIGEST

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HB 75 Engrossed

2019 Regular Session

Zeringue

Abstract: Provides that any reminder, caution, or admonishment to a judge regarding conduct that may be contrary to the Code of Judicial Conduct shall be public record.

Present law (R.S. 44:1 et seq. – Public Records Law) provides that all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state are "public records". Present law establishes a framework for the ready availability of public records to requesting persons and specifically provides that it is the duty of the custodian of the public records of a public entity or agency to provide copies to persons so requesting. Provides for certain exceptions, exemptions, and limitations.

Present law provides that documents filed with, and evidence and proceedings before the judiciary commission, are confidential. Provides that the record filed by the commission with the supreme court and proceedings before the supreme court are not confidential.

Proposed law retains present law and additionally provides that any reminder, caution, or admonishment from the commission to a judge regarding conduct that may be contrary to the Code of Judicial Conduct shall not be confidential and shall be a public record subject to inspection, examination, copying, and reproduction in the manner provided by present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 44:10)

Summary of Amendments Adopted by House

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

1. Remove provisions that made public record any document produced by the commission summarizing a preliminary inquiry or an investigation of judicial misconduct and any notice to a judge that a preliminary inquiry or investigation did not disclose sufficient cause to warrant further proceedings.