
DIGEST

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HB 318 Original

2020 Regular Session

Zeringue

Abstract: Provides for the public nature of certain records and proceedings of the judiciary commission.

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 the following shall not be confidential and shall be public record subject to inspection, examination, copying, and reproduction in the manner provided by present law:

- (1) Written notice to a judge regarding the institution of adversarial proceedings before the judiciary commission including the specified allegations of misconduct or disability, except requires private medical or health data to be redacted. Further specifies that adversarial proceedings before the judiciary commission shall be open to the public.
- (2) Any admonishment, caution, warning, reprimand, or reminder from the judiciary commission to a judge as a result of an adversarial proceeding before the judiciary commission or a hearing officer.

- (3) Any deferred recommendation of discipline agreement entered into between a judge and the judiciary commission, except requires private medical or health data to be redacted.
- (4) Any admonishment from the judiciary commission to a judge issued prior to an adversarial proceeding if the judge receives the admonishment within a specified time period after receipt of a prior admonishment (6-year period for lower court judges; 10-year period for appellate and supreme court judges).
- (5) Any admonishment, reminder, caution, or other type of reprimand of a judge who resigned to avoid possible discipline by the judiciary commission or the supreme court and who has publicly announced his candidacy, or who qualifies for public office, or who has been appointed or who is being considered for appointment to an office of public trust.

Proposed law further requires the judiciary commission to compile specific information regarding complaints received and its actions. Requires the judiciary commission to publish the summary and statistical information no later than 15 days after the end of each quarter of each calendar year, including information for each completed quarter and cumulative data for the year to date. Provides that the summary and statistical information shall not be confidential and shall be a public record subject to inspection, examination, copying, and reproduction in the manner provided by present law.

Proposed law expressly provides that nothing in proposed law shall limit or restrict the right of any person who has filed a complaint with the judiciary commission from publicly disclosing that fact or from publicly disclosing any of the underlying facts or circumstances upon which his complaint was based.

Provides that proposed law shall apply prospectively with respect to records produced or received by the judiciary commission that were explicitly confidential prior to the effective date of proposed law.

Effective if and when the proposed amendment of Article V of the Constitution of La. contained in the Act which originated as House Bill No. 90 of this 2020 R.S. of the Legislature is adopted at a statewide election and becomes effective.

(Amends R.S. 44:10)