

2024 Second Extraordinary Session

HOUSE BILL NO. 1

BY REPRESENTATIVES BACALA, HORTON, AND MIKE JOHNSON AND  
SENATOR SEABAUGH

1 AN ACT

2 To enact Chapter 43 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 13:5991 through 5993, and Children's Code Article 412(N), relative to access  
4 to criminal justice records; to establish the Truth and Transparency in the Louisiana  
5 Criminal Justice System Program; to provide relative to the identification of minute  
6 entries; to provide relative to access of minute entries; to require the transmission to  
7 the online portal maintained by the Louisiana Clerks' Remote Access Authority; to  
8 provide relative to duties and obligations; to provide relative to immunity from suit;  
9 to provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 43 of Title 13 of the Louisiana Revised Statutes of 1950,  
12 comprised of R.S. 13:5991 through 5993 is hereby enacted to read as follows:

13 CHAPTER 43. TRUTH AND TRANSPARENCY

14 IN THE LOUISIANA CRIMINAL JUSTICE SYSTEM PROGRAM

15 §5991. Legislative findings; intent

16 A. The legislature recognizes that the optimal functioning of the Louisiana  
17 criminal justice system is vital to the safety, prosperity, and well-being of Louisiana  
18 and its citizens. The legislature also recognizes that a fundamental requirement for  
19 the proper functioning of the Louisiana criminal justice system is the ability to view,  
20 review, and analyze the various documents, records, and databases evidencing the

1 actions, decisions, and events occurring within the criminal justice system. Louisiana  
2 citizens, victims, and defendants should be able to readily find, access, and review  
3 these documents, records, and databases for relevant, timely information on matters  
4 pertinent to them and their communities. In addition, members of the legislature and  
5 other relevant stakeholders must have the ability to access and review the current and  
6 past actions, decisions, and events occurring within the criminal justice system in  
7 order to make educated, informed decisions regarding the current operation of the  
8 system and any necessary improvements or reforms.

9 B. It is therefore the intent of the legislature to provide for a program  
10 designed to promote transparency within the Louisiana criminal justice system by  
11 providing readily available and consistent access to minute entries evidencing the  
12 actions, decisions, and events occurring within the criminal justice system.

13 §5992. Truth and Transparency in the Louisiana Criminal Justice System Program;  
14 creation, authority, and duties

15 A. The Truth and Transparency in the Louisiana Criminal Justice System  
16 Program is hereby established under this Chapter.

17 B. For purposes of this program, each district clerk of court shall have the  
18 following duties and obligations:

19 (1) Each district clerk of court responsible for maintaining criminal records  
20 shall provide the public electronic access to all minute entries as defined in  
21 Subsection C of this Section, or summary thereof, involving any and all matters in  
22 criminal court for any case filed on or after January 1, 2020, by transmission to the  
23 online portal maintained by the Louisiana Clerks' Remote Access Authority pursuant  
24 to R.S. 13:754. No other records or images, other than the minute entries or  
25 summary thereof, are required to be transmitted in accordance with this Section. The  
26 provisions of this Paragraph shall not apply to traffic violations.

27 (2)(a) Notwithstanding any other provision of law to the contrary, including  
28 but not limited to Children's Code Article 412, each district clerk of court and the  
29 clerk of the Juvenile Court for the Parish of Orleans as defined in R.S. 13:1587.1

1 who is responsible for juvenile court records shall transmit to the online portal  
2 maintained by the Louisiana Clerks' Remote Access Authority all minute entries, or  
3 summary thereof, involving any and all cases involving juveniles accused of  
4 committing a crime of violence as defined in R.S. 14:2(B). Such cases and records  
5 shall remain open to the public thereafter unless sealed by a court of competent  
6 jurisdiction or unless and until such record is expunged. No other records or images,  
7 other than the minute entries or summary thereof, are required to be transmitted in  
8 accordance with this Section.

9 (b) The provisions of this Paragraph shall be applicable only to cases filed  
10 on or after January 1, 2024.

11 C. For purposes of this Chapter, the term "minute entries" shall include but  
12 not be limited to the following, if provided to the clerk of court:

13 (1) Any information provided to the clerk of court regarding arrest or  
14 summons information relative to the defendant.

15 (2) Any custody or bail decisions.

16 (3) The filing, amendment, or dismissal of criminal charges.

17 (4) Hearings on all motions or status conferences held in the matter.

18 (5) Trial or adjudication proceedings.

19 (6) Court or jury decisions on guilt or adjudication.

20 (7) Any sentencing hearings, including the specific sentence or sentences  
21 imposed on each count or adjudication.

22 (8) The date of the court proceeding.

23 (9) Identity of the judge presiding.

24 (10) Identity of the prosecutor present.

25 (11) Identity of the defendant.

26 D. Notwithstanding any provision of law to the contrary, the clerks of court  
27 and their employees and agents, the Louisiana Clerks' Remote Access Authority,  
28 including its board members, employees, and agents, and any other state or local  
29 entity or political subdivision that is responsible for providing information to the  
30 clerks of court shall be immune from liability arising from any acts or omissions

1 related to compliance with the provisions of this Section. The provisions of this  
2 Section shall not be construed to limit, withdraw, or overturn any other applicable  
3 defense or immunity available to public officials or public entities.

4 §5993. Truth and Transparency in the Louisiana Criminal Justice System Program;  
5 effective date; implementation

6 A. Except as provided in Subsection B of this Section, all duties and  
7 obligations set forth in this Chapter shall become effective on April 19, 2024.

8 B. On or before August 1, 2024, the Louisiana Clerks' Remote Access  
9 Authority, or its duly authorized representative, shall submit a written report to the  
10 speaker of the House of Representatives, the president of the Senate, and the  
11 governor, which sets forth all of the following:

12 (1) Specific information detailing the progress made by it and the clerks of  
13 court towards compliance with the duties and obligations set forth in this Chapter.

14 (2) Specific information detailing any anticipated work to be completed to  
15 meet the duties and obligations set forth in this Chapter.

16 (3) Specific information detailing any anticipated dates that all remaining  
17 clerks of court are expected to be able to meet pursuant to the duties and obligations  
18 set forth in this Chapter.

19 C. Such written report shall be required to be submitted by the Louisiana  
20 Clerks' Remote Access Authority, or its duly authorized representative at least every  
21 one hundred and twenty days thereafter until such time as all clerks of court achieve  
22 compliance with the duties and obligations of this Chapter.

23 Section 2. Children's Code Article 412(N) is hereby enacted to read as follows:

24 Art. 412. Confidentiality of records; disclosure exceptions; sanctions

25 \* \* \*

26 N. This Article shall not apply to records relative to any matters identified  
27 in Subparagraph (B)(1) of Children's Code Article 879, in which those records and  
28 reports shall be made available to the public. Records and reports pertaining to the  
29 medical records of the juvenile, the mental health of the juvenile, social records of

1           the juvenile, school records of the juvenile, and any records related to the victim of  
2           the crime shall not be made available to the public.

3           Section 3. This Act shall become effective upon signature by the governor or, if not  
4 signed by the governor, upon expiration of the time for bills to become law without signature  
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
7 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_