
DIGEST

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HB 49 Reengrossed

2025 Regular Session

Melerine

Abstract: Provides relative to the confidentiality of certain hearings before the Board of Pardons and committee on parole.

Proposed law (R.S. 14:81.5.1) provides that 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 that recording, live-stream, audio, video, or written transcript of the hearing by the use of a computer online service, internet service, or any other means of electronic communication.

Proposed law further provides that 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.

Proposed law shall not prohibit any of the following from requesting and obtaining a copy of the recording:

- (1) The defendant.
- (2) The lawyer or legal representative of the defendant.
- (3) The victim, or spouse or next of kin of a deceased victim.
- (4) The legal guardian of the victim.
- (5) Any person who has been granted authorization pursuant to proposed law (R.S. 15:574.12.1).

Proposed law provides that whoever violates the provisions of proposed law shall be fined not more than \$500 or imprisoned for not more than six months, or both.

Present law (R.S.15:572.4) provides for rules, regulations, and procedures of the Board of Pardons.

Proposed law retains present law.

Present law (R.S.15:572.4(B)(2)) provides that the victim, or the spouse or next of kin of a deceased victim, shall be allowed to testify at the hearing. Further provides that the victim, or the spouse or next of kin of a deceased victim, shall be allowed to testify directly, or in rebuttal to testimony or

evidence offered by or on behalf of the offender, or both.

Proposed law retains present law and provides that the victim, or the spouse or next of kin of a deceased victim, shall be allowed to present testimony in executive session at his request.

Present law (R.S.15:573) provides that sessions of the Board of Pardons are public.

Proposed law retains present law and adds that the victim, or the spouse or next of kin of a deceased victim, shall be allowed to present testimony in executive session at his request.

Present law (R.S.15:574.2) provides relative to powers, duties, and meetings of the committee on parole.

Proposed law retains present law.

Present law (R.S.15:574.2(D)(9)) provides relative to the duties of the committee of parole to notify the victim, or the spouse or next of kin of a deceased victim, when the offender is scheduled for a parole hearing. Further provides for the right of the victim, or the spouse or next of kin of a deceased victim, to testify at the parole hearing.

Proposed law retains present law and provides that the victim, or the spouse or next of kin of a deceased victim, shall be allowed to present testimony at a parole hearing in executive session at his request.

Proposed law provides that nothing in present 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.

Present law (R.S.15:574.4.1) provides for parole consideration and hearings.

Proposed law retains present law and provides that the victim, or the spouse or next of kin of a deceased victim, shall be allowed to present testimony at a parole hearing in executive session at his request.

Proposed law (R.S. 15:574.12.1) provides that any testimony presented at a meeting or hearing of the Board of Pardons and committee on parole that has been conducted in executive session is confidential and is not subject to the Public Records Law.

Proposed law authorizes the disclosure of any testimony presented in executive session only by order of the 19th Judicial District Court pursuant to proposed law.

Proposed law provides that the court may authorize the release of a copy of the documented hearing if all of the following conditions are met:

- (1) A request to obtain a copy of the documented hearing has been submitted to the court.
- (2) An in camera inspection has occurred and the court has determined that the testimony is relevant and necessary to the case under review.
- (3) The requestor has satisfied his burden by clear and convincing evidence regarding why he is entitled to obtain a copy of the testimony.

Proposed law provides that if the requirements of proposed law have been met, the court may order in writing that a copy of the testimony be disclosed to the requestor or his legal representative subject to a five-day protective order pursuant to proposed law.

Proposed law provides that the protective order shall include all of the following information:

- (1) The name of the requestor and his legal representative, if applicable, who are the only individuals permitted to view or be in possession of the testimony.
- (2) The testimony is in the exclusive custody of the court and that the testimony shall not be copied, photographed, duplicated, or otherwise reproduced except as a written transcript that protects the identity of the victim by the use of initials.
- (3) If the requestor is not represented by an attorney, the requestor shall not be given a copy of the testimony but shall be given reasonable access to view the testimony by the custodian of the recording.
- (4) Attorneys and custodians of the testimony shall file their copy of the testimony with the clerk of court of the 19th Judicial District under the seal of the court upon expiration of the protective order.
- (5) The unlawful possession, sale, duplication, distribution, transfer, copying, or posting 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 is punishable pursuant to R.S. 14:81.5.1.

Proposed law provides that any violation of proposed law shall be punishable as contempt of court.

Proposed law provides that the conditions of proposed law shall not apply to the following persons who request a copy of the testimony:

- (1) The defendant.
- (2) The lawyer or legal representative of the defendant.
- (3) The victim, or spouse or next of kin of a deceased victim.

(4) The legal guardian of the victim.

Proposed law provides that nothing in proposed law shall prevent the DPS&C or law enforcement from sharing information as authorized or required by state or federal law.

Present law (R.S. 42:17(A)) provides for a list of reasons that a public body may hold an executive session.

Proposed law retains present law and adds that the Board of Pardons and committee on parole may hold an executive session for the presentation of testimony from the victim, or the spouse or next of kin of a deceased victim, during the portion of any meeting or hearing of the board or committee.

Present law (R.S. 44:4.1(B)(8)) provides for a listing of exemptions from public disclosure of certain information contained in present law (Title 15 of the La. R.S.).

Proposed law amends present law to include a cross-reference to proposed law (R.S. 15:574.12.1).

Proposed law shall be cited and referred to as "The Maggie Grace Act".

(Amends 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); Adds 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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Clarify that it is unlawful to disseminate the 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 rather than testimony presented by a victim who is a minor or a victim of a sex offense.
3. Remove the proposed law definition for "live-stream".
4. Change the term "hearing" to "recording" in proposed law.
5. Amend present law provisions relative to pardon and parole to clarify that the victim, or the spouse or next of kin of a deceased victim, shall be allowed to present testimony in executive session at his request.
6. Delete the proposed law definition for "documented hearing".
7. Clarify that testimony presented by any 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 is confidential and not subject to the Public Records Law rather than testimony presented by a victim who is a minor or a victim of a sex offense.

8. Change the term "documented hearing" to "testimony" within proposed law.
9. Clarify that only the Nineteenth Judicial District may order disclosure of any testimony presented during executive session of the Board of Pardons and committee on parole.
10. Add the presentation of testimony from the victim, or the spouse or next of kin of a deceased victim, during the portion of any meeting or hearing of the Board of Pardons and committee on parole as a reason that the board or committee may enter into executive session.

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

1. Make technical changes.