2020 Regular Session

HOUSE BILL NO. 329

BY REPRESENTATIVES JONES AND JAMES

(On Recommendation of the Louisiana State Law Institute)

PAROLE: Provides relative to information contained in pre-parole reports

1	AN ACT	
2	To amend and reenact R.S. 15:574.12(B), relative to pre-parole reports; to provide the	
3	offender with the right to receive a copy of the pre-parole report; to provide for the	
4	confidentiality of information contained in the pre-parole report; and to provide for	
5	related matters.	
6	Be it enacted by the Legislature of Louisiana:	
7	Section 1. R.S. 15:574.12(B) is hereby amended and reenacted to read as follows:	
8	§574.12. Information as to offenders and ex-offenders; confidentiality	
9	* * *	
10	B.(1) Information may be released upon request without special	
11	authorization, subject to other restrictions that may be imposed by federal law or by	
12	other provisions of state law, to the committee on parole, Board of Pardons, the	
13	governor, the sentencing judge, counsel for the juvenile in a delinquency matter, a	
14	district attorney or law enforcement agency, the personnel and legal representatives	
15	of the Department of Public Safety and Corrections, corrections services and youth	
16	services, including student interns, appropriate governmental agencies, or officials	
17	when access to such information is imperative for discharge of the responsibilitie	
18	of the requesting agency, official, or court officer and the information is not	
19	reasonably available through any other means, and court officers with court orders	
20	specifying the information requested.	

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(2) Upon request, an offender docketed for a pardon or parole hearing or his
2	counsel shall, within a reasonable time following the request but no later than
3	fourteen days prior to the commencement of any such hearing, be provided with the
4	information described in Subsection A of this Section and any other information
5	compiled and given to the Board of Pardons and committee on parole pertaining to
6	the requesting offender, with the exception of any information provided by, on behalf
7	of, or pertaining to the victim or the victim's family members. If an individual who
8	is not a law enforcement officer requests that his identity not be disclosed to the
9	requesting offender, the information provided to the requesting offender shall not
10	include the identity of the individual. Such excepted information shall remain
11	confidential and not subject to disclosure unless expressly authorized by the person
12	whose information is sought. Any mental health evaluation of the requesting
13	offender prepared for the purpose of his pardon or parole consideration shall be
14	provided to the requesting offender or his counsel and to the district attorney or his
15	designee.
16	* * *

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 329 Engrossed	2020 Regular Session	Jones
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Abstract: Relative to pre-parole reports, requires the release of information to a requesting offender prior to his pardon or parole hearing.

<u>Present law</u> (R.S. 15:574.12(B)) provides for the release of information contained in the pre-parole report to the committee on parole, Board of Pardons, sentencing judge, district attorney or law enforcement agency, and other agencies, officials, and officers.

<u>Proposed law</u> retains <u>present law</u> and additionally requires such information to be released to a requesting offender within a reasonable time following the request but no later than 14 days prior to his pardon or parole hearing, along with any other information provided to the Board of Pardons and committee on parole pertaining to the requesting offender.

<u>Proposed law</u> includes an exception for information provided by, on behalf of, or pertaining to the victim or the victim's family. Further prohibits the release of the identity of an individual who is not a law enforcement officer if such individual requests that his identity not be disclosed to the requesting offender.

<u>Proposed law</u> further provides that the requesting offender and the district attorney shall be provided with a copy of any mental health evaluation of the requesting offender prepared for the purpose of his pardon or parole consideration.

(Amends R.S. 15:574.12(B))

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Administration of</u> <u>Criminal Justice to the original bill:</u>
- 1. Amend <u>proposed law</u> to require the requested pre-parole report to be provided to the offender or his counsel within a reasonable time following the request but no later than 14 days prior to the commencement of any pardon or parole hearing.
- 2. Relative to information released to an offender in a pre-parole report, amend <u>proposed law</u> to prohibit the release of the identity of an individual who is not a law enforcement officer if such individual requests that his identity not be disclosed to the requesting offender.