HLS 20RS-1 ORIGINAL

2020 Regular Session

1

HOUSE BILL NO. 555

BY REPRESENTATIVE DUPLESSIS

CRIME: Provides relative to the booking information of an arrested person

AN ACT

| 2 | To amend and reenact Code of Criminal Procedure Article 228(B) and to enact R.S. |
|----|--|
| 3 | 44:3(A)(4)(d), relative to the booking of an arrested person; to provide relative to |
| 4 | booking information summaries; to prohibit public inspection of photographs |
| 5 | included in booking information summaries; to provide relative to initial reports of |
| 6 | arrested persons; to provide that the records available in an initial report shall not |
| 7 | include any photographs and shall not be open for public inspection; and to provide |
| 8 | for related matters. |
| 9 | Be it enacted by the Legislature of Louisiana: |
| 10 | Section 1. Code of Criminal Procedure Article 228(B) is hereby amended and |
| 11 | reenacted to read as follows: |
| 12 | Art. 228. Booking of arrested person, submission of booking information summary |
| 13 | * * * |
| 14 | B. A person is booked by an entry, in a book kept for that purpose, showing |
| 15 | his name and address, a list of any property taken from him, the date and time of |
| 16 | booking, and the submission of a booking information summary as provided for in |
| 17 | Paragraph C of this Article to the person making the entry in the police or jail book. |
| 18 | Every jail and police station shall keep a book for the listing of the above |
| 19 | information as to each prisoner received. The book and booking information |
| 20 | summaries shall always be open for public inspection. Any photograph included in |

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

| 1 | the book and booking information summaries shall only be used for administrative |
|----|--|
| 2 | purposes by a jail or police station or for investigative purposes by law enforcement |
| 3 | and shall not be open for public inspection. The person booked shall be imprisoned |
| 4 | unless he is released on bail. |
| 5 | * * * |
| 6 | Section 2. R.S. 44:3(A)(4)(d) is hereby enacted to read as follows: |
| 7 | §3. Records of prosecutive, investigative, and law enforcement agencies and |
| 8 | communications districts |
| 9 | A. Nothing in this Chapter shall be construed to require disclosures of |
| 10 | records, or the information contained therein, held by the offices of the attorney |
| 11 | general, district attorneys, sheriffs, police departments, Department of Public Safety |
| 12 | and Corrections, marshals, investigators, public health investigators, correctional |
| 13 | agencies, communications districts, intelligence agencies, Council on Peace Officer |
| 14 | Standards and Training, Louisiana Commission on Law Enforcement and |
| 15 | Administration of Criminal Justice, or publicly owned water districts of the state, |
| 16 | which records are: |
| 17 | * * * |
| 18 | (4) |
| 19 | * * * |
| 20 | (d) The records available to the public in the initial report and in the booking |
| 21 | of a person in accordance with Code of Criminal Procedure Article 228 shall not |
| 22 | include any photographs of the person, and any photographs of the person associated |
| 23 | with the initial report or the booking shall only be used for administrative purposes |
| 24 | by a jail or police station or for investigative purposes by law enforcement and shall |
| 25 | not be released or open for public inspection pursuant to the provisions of this |
| 26 | Chapter. |
| 27 | * * * |

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 555 Original

2020 Regular Session

Duplessis

Abstract: Prohibits the public inspection of any photographs included in booking information summaries and initial reports of arrested persons, and provides that the initial report shall not include any photographs.

<u>Present law</u> (C.Cr.P. Art. 228) provides that a person is booked by an entry in a book kept for that purpose, showing his name and address, a list of any property taken from him, the date and time of booking, and the submission of a booking information summary. Further requires every jail and police station to keep a booking for the listing of the <u>present law</u> information as to each prisoner received. The book and booking information summaries are required to always be open for public inspection.

<u>Proposed law</u> provides that any photograph included in the <u>present law</u> book and booking information summaries shall only be used for administrative purposes by a jail or police station or investigative purposes by law enforcement and shall not be open for public inspection.

<u>Present law</u> (R.S. 44:3(A)(4)) exempts a person's arrest records from the Public Records Law until a final judgment of conviction or acceptance of a plea of guilty by a court of competent jurisdiction. However, the initial report of the officer or officers investigating a complaint, records of the booking of a person as provided in <u>present law</u> (C.Cr.P. Art. 228), records of the issuance of a summons or citation, and records of the filing of a bill of information shall be a public record.

Present law further provides that the initial report shall set forth:

- (1) A narrative description of the alleged offense, including appropriate details as determined by the law enforcement agency.
- (2) The name and identification of each person charged with or arrested for the alleged offense.
- (3) The time and date of the alleged offense.
- (4) The location of the alleged offense.
- (5) The property involved.
- (6) The vehicles involved.
- (7) The names of the investigating officers.

<u>Proposed law</u> provides that the records available to the public in the initial report and in the booking of a person in accordance with <u>present law</u> (C.Cr.P. Art. 228) shall not include any photographs of the person, and any photographs of the person associated with the initial report or the booking shall only be used for administrative purposes by a jail or police station or investigative purposes by law enforcement and shall not be released or open for public inspection pursuant to the provisions of <u>present law</u>.

(Amends C.Cr.P. Art. 228(B); Adds R.S. 44:3(A)(4)(d))

Page 3 of 3

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