

ACT No. 630

HOUSE BILL NO. 615

BY REPRESENTATIVE FREEMAN AND SENATORS BARROW, BERNARD, BOUDREAUX, CORTEZ, FESI, HEWITT, JACKSON, FRED MILLS, MIZELL, PRICE, REESE, SMITH, STINE, TARVER, AND WHITE

1 AN ACT

2 To amend and reenact R.S. 44:3(A)(4)(b)(ii) and to enact R.S. 44:3(K), relative to public
3 records; to provide relative to disclosure; to provide relative to law enforcement
4 investigative records; to provide for disclosure to certain individuals; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 44:3(A)(4)(b)(ii) is hereby amended and reenacted and R.S. 44:3(K)
8 is hereby enacted to read as follows:

9 §3. Records of prosecutive, investigative, and law enforcement agencies and
10 communications districts

11 A. Nothing in this Chapter shall be construed to require disclosures of
12 records, or the information contained therein, held by the offices of the attorney
13 general, district attorneys, sheriffs, police departments, Department of Public Safety
14 and Corrections, marshals, investigators, public health investigators, correctional
15 agencies, communications districts, intelligence agencies, Council on Peace Officer
16 Standards and Training, Louisiana Commission on Law Enforcement and
17 Administration of Criminal Justice, or publicly owned water districts of the state,
18 which records are:

19 * * *

20 (4)

21 * * *

22 (b) The initial report shall set forth:

23 * * *

1 (ii) The name and identification of each and every person who is a witness
2 to, a suspect charged with, or arrested for the alleged offense-, unless prohibited or
3 protected by federal law or state law not contained in this Title.

4 * * *

5 K.(1) Unless prohibited by federal law or state law not contained in this
6 Title, if a victim of an offense or his designated family member requests an
7 opportunity to review or copy any portion of records related to the offense against
8 the victim, the agency shall allow the victim or his designated family member to
9 review and copy the records unless the agency certifies in writing that the matter is
10 subject to actual or reasonably anticipated criminal litigation.

11 (2) Any document that an agency provides to any defendant after prosecution
12 of an offense has been initiated shall, upon request from the victim or a designated
13 family member, also be made available for review and copying by the requestor
14 unless the agency certifies in writing that the records are being withheld because
15 information in them could materially affect the prosecution or a related investigation.

16 (3) Nothing in this Subsection shall be construed to prohibit an agency from
17 in its discretion allowing a victim of an offense or his family member to review or
18 copy any record related to the offense, provided the agency determines it would not
19 reasonably impair any ongoing investigation or prosecution.

20 (4) For purposes of this Subsection, "designated family member" and
21 "victim" have the same meanings as that provided by R.S. 46:1842.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____