

2024 Regular Session

HOUSE BILL NO. 624

BY REPRESENTATIVE LAFLEUR

COURTS: Creates the "Pretrial Data Collection Act"

1 AN ACT

2 To enact Chapter 8-A of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 15:1231 through 1233, relative to pretrial data; to create the Pretrial Data
4 Collection Act; to provide for definitions; to provide for requirements of certain
5 entities to collect specific data; to provide for requirements of certain entities to
6 report the data collected; to provide for types of data to be collected; to provide for
7 publication of datasets; to provide for requirements of a certain public format; to
8 provide for submission dates; to provide for authorization by the attorney general to
9 bring an action for noncompliance; to provide for codification; to provide an
10 effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Chapter 8-A of Title 15 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 15:1231 through 1233, is hereby enacted to read as follows:

14 CHAPTER 8-A. PRETRIAL DATA COLLECTION ACT

15 §1231. Pretrial Data Collection Act; creation; definitions

16 A. This Act shall be known and may be cited as the "Pretrial Data Collection
17 Act".

18 B. As used in this Act:

19 (1) "Annual felony caseload" means the yearly caseload of felony cases for
20 each full-time district attorney and assistant district attorney or public defender and

1 assistant public defender, or indigent defense contracting attorney for cases assigned
2 to the criminal division. Annual felony caseload does not include the appellate
3 caseload of a public defender, assistant public defender, or indigent defense
4 contracting attorney. Cases reported pursuant to this Paragraph shall be associated
5 with a case number, and each case number shall only be reported once regardless of
6 the number of attorney assignments that occur during the course of litigation.

7 (2) "Annual misdemeanor caseload" means the yearly caseload of
8 misdemeanor cases for each full-time district attorney and assistant district attorney
9 or public defender and assistant public defender, or indigent defense contracting
10 attorney for cases assigned to the criminal division. Annual misdemeanor caseload
11 does not include the appellate caseload of a public defender, assistant public
12 defender, or indigent defense contracting attorney. Cases reported pursuant to this
13 Paragraph shall be associated with a case number and each case number shall only
14 be reported once regardless of the number of attorney assignments that occur during
15 the course of litigation.

16 (3) "Attorney assignment date" means the day, month, and year a
17 court-appointed attorney is assigned to the case or, if privately retained, the day,
18 month, and year an attorney files a notice of appearance with the clerk of the court.

19 (4) "Attorney withdrawal date" means the day, month, and year the court
20 removes court-appointed counsel from a case or, if privately retained, the day,
21 month, and year a motion to withdraw is granted by the court.

22 (5) "Average cost for jail stay" means the average daily cost to house an
23 inmate including, but not limited to, average medical care costs, daily stay fee, extra
24 food, and transportation.

25 (6) "Bail" means a monetary amount for or condition of pretrial release from
26 custody. The purpose of the bail is to ensure the return of the accused at subsequent
27 proceedings.

28 (7) "Case number" means the identification number assigned by the clerk of
29 the court to a criminal case.

1 (8) "Case status" means whether a case is open, inactive, closed, or reopened
2 due to a violation of probation or community supervision.

3 (9) "Charge description" means the statement of the conduct that is alleged
4 to have been violated, the associated statutory section establishing such conduct as
5 criminal, and the misdemeanor or felony classification that is provided for in the
6 statutory section alleged to have been violated.

7 (10) "Charge modifier" means an aggravating circumstance of an alleged
8 crime that enhances or reclassifies a charge to a more serious misdemeanor or felony
9 offense.

10 (11) "Cited offense" means the alleged offense for which an arrest occurred,
11 including the state or municipal code under which the offense is alleged.

12 (12) "Criminal charge against" means information related to the formal
13 charges filed against a defendant, including charge description, as defined in this
14 Section, code section, jurisdiction, and charge modifier, as defined in this Section,
15 if applicable.

16 (13) "Date of arrest" means the day, month, and year the arrest occurred.

17 (14) "Date of entrance" means the day, month, and year of entrance into a
18 parish jail or detention facility.

19 (15) "Demographic information" means identifying information including
20 name, age, race and ethnicity, gender, ZIP Code of primary residence, and
21 homelessness status.

22 (16) "Disposition" means a final judgment, adjudication withheld, dismissal,
23 or nolle prosequi for the case.

24 (17) "Domestic abuse flag" means an indication that a charge involves
25 domestic abuse.

26 (18) "Gang affiliation flag" means an indication that a defendant is involved
27 in or associated with a criminal street gang.

28 (19) "Habitual offender flag" means an indication that the defendant is a
29 repeat offender.

1 (20) "Inventory search" means a search performed in accordance with law
2 enforcement department policy on a person or a vehicle incident to lawful arrest.

3 (21) "Mental health disorder" means any mental illness that was diagnosed
4 by a licensed mental health professional.

5 (22) "Offense location" means the parish in which the offense is alleged to
6 have occurred.

7 (23) "Operational capacity" means the maximum number of inmates a parish
8 jail or detention facility can hold.

9 (24) "Pretrial release violation flag" means an indication that the defendant
10 has violated the terms of his or her pretrial release.

11 (25) "Release date" means the day, month, and year a defendant is released
12 from a parish jail or detention facility.

13 (26) "Term of sentence" means the sentence type and length imposed by the
14 court including but not limited to the total duration of imprisonment in a parish jail
15 or detention facility and conditions of probation or community control supervision.
16 §1232. Commencement of date collection; reporting requirements

17 A. Beginning January 1, 2025, an entity required to collect data in
18 accordance with the provisions of this Chapter shall collect the specified data
19 required of the entity on a monthly basis. Each entity shall report the data collected
20 to the attorney general on a monthly basis.

21 B.(1) Municipal police departments and parish sheriff offices shall collect
22 for each individual arrested the following information:

23 (a) Arrest location.

24 (b) Date of arrest.

25 (c) Race and ethnicity of detainee.

26 (d) Age of detainee.

27 (e) Gender of detainee.

28 (f) ZIP Code of detainee.

29 (g) Cited offence.

- 1 (h) Inventory performed.
- 2 (2) Parish jail and parish detention facilities shall collect for each confined
- 3 person the following information:
- 4 (a) Date of entrance.
- 5 (b) Name.
- 6 (c) Date of birth.
- 7 (d) Gender.
- 8 (e) Race and ethnicity.
- 9 (f) Mental health disorder, if any.
- 10 (g) Last known ZIP Code.
- 11 (h) Homelessness status.
- 12 (i) Any criminal charges against the person by code section and jurisdiction.
- 13 (j) Term of sentence.
- 14 (k) Bond amount.
- 15 (l) If bond is set.
- 16 (m) Release date.
- 17 (3) Parish jail and parish detention facilities shall collect the following
- 18 information:
- 19 (a) Average costs for jail stay per day for a confined person.
- 20 (b) Average medical care costs for a confined person.
- 21 (c) Daily stay fee and rate for a confined person.
- 22 (d) Bill for medical costs for all confined persons.
- 23 (e) Bill for extra food for all confined persons.
- 24 (f) Bill for transportation for all confined persons.
- 25 (g) Operational capacity of the parish jail and parish detention facility.
- 26 (h) For each confined person, counting only one time, and with
- 27 accompanying demographic information:
- 28 (i) The number of sentenced confined people.

1 (ii) The number of unsentenced confined people with a hold and what kind
2 of hold each unsentenced person has including, but not limited to, tribal or federal
3 holds.

4 (iii) The number of unsentenced confined people without a hold.

5 (iv) The number of unsentenced people admitted for a probation violation
6 or violation of community sentencing standards.

7 (v) For unsentenced confined people, counting only one time, and with
8 accompanying demographic information:

9 (aa) The number of unsentenced confined people whose most serious
10 charged offense is a felony.

11 (bb) The number of unsentenced confined people whose most serious
12 charged offense is a misdemeanor

13 (i) Number of confined people held solely for a municipal offense with
14 accompanying demographic information.

15 (j) Average daily population of the jail facility with accompanying
16 demographic information.

17 (k) Average or median length of stay with accompanying demographic
18 information:

19 (l)(i) Number of people who were released within the prior twelve months
20 whose most serious offense was a felony.

21 (ii) Number of people who were released within the prior twelve months
22 whose most serious offense was a misdemeanor.

23 (m) Number of confined people identified as homeless with accompanying
24 demographic information.

25 (n) Number of bookings into the jail facility with accompanying
26 demographic information.

27 (4) District court clerks shall collect the following information for each
28 criminal case filed:

29 (a) Case number.

- 1 (b) Date of alleged offense.
- 2 (c) Parish of alleged offense.
- 3 (d) Date that the criminal prosecution of a defendant is formally initiated
4 through the filing, with the clerk of the court, of an information by the district
5 attorney.
- 6 (e) Arraignment date.
- 7 (f) Attorney assignment date.
- 8 (g) Attorney withdrawal date, if applicable.
- 9 (h) Case status.
- 10 (i) Disposition date and kind of disposition.
- 11 (j) ZIP Code of primary residence of the defendant.
- 12 (k) Primary language.
- 13 (l) Indigency finding.
- 14 (m) Charge description.
- 15 (n) Statute charged under.
- 16 (o) Sentence enhancement charged, if any.
- 17 (p) Drug type for each drug charge, if any.
- 18 (q) Qualification for flag designation and kind of designation including but
19 not limited to domestic violence, gang affiliation, sex offender, habitual offender,
20 and pretrial release violation.
- 21 (r) Decision and date of all bail bond and pretrial determinations.
- 22 (s) Pretrial release determination at first appearance, including monetary and
23 nonmonetary conditions.
- 24 (t) Modification of bail bond conditions.
- 25 (u) Cash bail or bond payment, including whether defendant utilized a bond
26 agent to post a surety bond.
- 27 (v) Date defendant was released on bail, bond, or pretrial release.
- 28 (w) Bail or bond revocation due to new offense, failure to appear, or a
29 violation of bail or bond terms.

- 1 (x) Date of any court appearance and the type of proceeding scheduled for
2 each date reported.
- 3 (y) Date of any failure to appear in court.
- 4 (z) Judicial transfer date, if applicable.
- 5 (aa) Trial date if jury trial held.
- 6 (bb) Date the defendant files a notice to participate in discovery.
- 7 (cc) Speedy trial motion and hearing dates, if applicable.
- 8 (dd) Dismissal motion and hearing dates, if applicable.
- 9 (ee) Whether the defense attorney was retained or is a public defender with
10 the office of state public defender.
- 11 (ff) Date that a court enters a sentence against a defendant.
- 12 (gg) Whether or not a plea was entered.
- 13 (hh) Total amount of court fees imposed by the court at disposition of the
14 case.
- 15 (ii) Outstanding balance of the court fees of the defendant imposed by the
16 court at disposition of the case.
- 17 (jj) Total amount of court fines imposed by the court at disposition of the
18 case.
- 19 (kk) Outstanding balance of the court fines of the defendant imposed by the
20 court at disposition of the case.
- 21 (ll) Restitution amount ordered, including the amount collected by the court
22 and the amount paid to the victim, if applicable.
- 23 (mm) Number of continuances.
- 24 (nn) Number of judges or magistrates, or their equivalents, hearing cases in
25 district court.
- 26 (5) From each office of the district attorney in the judicial districts of
27 Louisiana, the following information shall be collected:
- 28 (a) Number of full-time prosecutors.
- 29 (b) Number of part-time prosecutors.

- 1 (c) Race, ethnicity, and gender of prosecutors.
- 2 (d) Annual felony caseload.
- 3 (e) Annual misdemeanor caseload.
- 4 (f) Number of cases in which an information was not filed.
- 5 (g) Number of cases declined.
- 6 (h) For individual cases:
- 7 (i) Whether the defendant received an offer to participate in a diversion
- 8 program.
- 9 (ii) Name of diversion program, if offered.
- 10 (iii) Whether the defendant accepted or declined the diversion program.
- 11 (iv) Diversion program outcome.
- 12 (v) Pretrial release recommendation of the prosecutor.
- 13 (vi) Bail amount recommendation of the prosecutor by misdemeanor and
- 14 felony charge types.
- 15 (vii) Plea offers by the prosecutor, if any, and modifications.
- 16 (6) From the office of state public defender:
- 17 (a) Number of full-time public defenders.
- 18 (b) Number of part-time public defenders.
- 19 (c) Number of contract attorneys representing indigent defendants for the
- 20 office.
- 21 (d) Annual felony caseload.
- 22 (e) Annual misdemeanor caseload.
- 23 C. The attorney general shall publish datasets in its possession in a modern,
- 24 open, electronic format that is machine-readable and readily accessible by the public
- 25 on the website of the office of the attorney general. The published data shall be
- 26 searchable, at a minimum, by each data element, judicial district, and unique
- 27 identifier. Agencies that employ five hundred or more employees shall submit the
- 28 initial data to the office by July 1, 2025. Agencies that employ more than one
- 29 hundred but less than five hundred employees shall submit the initial data to the

1 office by December 31, 2025. Agencies with more than zero and less than one
2 hundred employees shall submit the initial data to the office by July 1, 2026.
3 §1233. Action to enforce noncompliance
4 Upon a determination by the attorney general of noncompliance, the attorney
5 general may bring an action in a district court having jurisdiction over the parish
6 from which the reporting entity serves to force compliance. If any entity covered
7 under the provisions of this Chapter encompasses more than one parish, the action
8 may be brought, upon a determination by the attorney general, in any of the
9 encompassed parishes.
10 Section 2. This Act shall become effective January 1, 2025.

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 624 Original

2024 Regular Session

LaFleur

Abstract: Creates the Pretrial Data Collection Act.

Proposed law creates the Pretrial Data Collection Act.

Proposed law provides definitions for "annual felony caseload", "annual misdemeanor caseload", "attorney assignment date", "attorney withdrawal date", "average cost for jail stay", "bail", "case number", "case status", "charge description", "charge modifier", "cited offense", "criminal charge against", "date of arrest", "date of entrance", "demographic information", "disposition", "domestic abuse flag", "gang affiliation flag", "habitual offender flag", "inventory search", "mental health disorder", "offense location", "operational capacity", "pretrial release violation flag", "release date", and "term of sentence".

Proposed law requires municipal police departments, sheriff offices, parish jails and detention facilities, district court clerks, district attorneys, and the office of the state public defender to collect and report specified data to the attorney general.

Proposed law requires the attorney general to publish datasets in its possession in a modern, open, electronic format that is machine-readable and readily accessible by the public on the website of the office of the attorney general.

Proposed law authorizes the attorney general to bring an action against any entity failing to comply with the provisions of proposed law.

Effective January 1, 2025.

(Adds R.S. 15:1231-1233)