

RÉSUMÉ DIGEST

ACT 525 (SB 398)

2016 Regular Session

Johns

Prior law (R.S. 44:1, et. seq. – Public Records Law) provided that all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state are "public records". Prior law established a framework for the ready availability of public records to requesting persons and specifically provides that it is the duty of the custodian of the public records of a public entity or agency to provide copies to persons so requesting. Provided exceptions and exclusions.

Prior law excluded from disclosure certain specified records of the offices of the attorney general, district attorneys, sheriffs, police departments, Department of Public Safety and Corrections, marshals, investigators, public health investigators, correctional agencies, communications districts, intelligence agencies, or publicly owned water districts of the state.

New law retains prior law and adds that video or audio recordings generated by law enforcement officer body-worn cameras that are found by the custodian to violate an individual's reasonable expectation of privacy are exempt from disclosure.

New law defines body-worn camera as a camera worn on an individual law enforcement officer's person that records and stores audio and video.

New law provides that body-worn camera recordings that are determined by the custodian to violate an individual's reasonable expectation shall be disclosed upon a determination and order from a court of competent jurisdiction. New law provides that the costs of production associated with such court-ordered disclosures shall be set by the court.

New law provides that body-worn camera video or audio recordings generated while the law enforcement officer is not acting in the scope of his official duties shall not be subject to disclosure when the disclosure would violate a reasonable expectation of privacy.

New law provides requests for production of recordings shall be incident specific and shall include reasonable specificity as to date, time, location, or persons involved and authorizes custodian to deny a request not containing reasonable specificity.

Prior law allowed a custodian of public records to establish and collect reasonable fees for making copies of public records.

New law retains prior law and allows the custodian to request payment of fees for making copies of public records in advance of production.

Effective August 1, 2016.

(Amends R.S. 44:32(C)(1)(a); adds R.S. 44:3(A)(8) and (I))