SENATE BILL NO. 398
BY SENATOR JOHNS

1 AN ACT
2 To amend and reenact R.S. 44:32(C)(1)(a) and to enact R.S. 44:3(A)(8) and (I), relative to
3 public records; to provide for records of law enforcement agencies; to provide for
4 recordings of body-worn cameras; to provide for exceptions; to provide for
5 disclosure; to provide for costs; to provide for the contents of requests; and to
6 provide for related matters.
7 Be it enacted by the Legislature of Louisiana:
8 Section 1. R.S. 44:32(C)(1)(a) is hereby amended and reenacted and R.S. 44:3(A)(8)
9 and (I) are hereby enacted to read as follows:
10 §3. Records of prosecutive, investigative, and law enforcement agencies, and
11 communications districts
12 A. Nothing in this Chapter shall be construed to require disclosures of
13 records, or the information contained therein, held by the offices of the attorney
14 general, district attorneys, sheriffs, police departments, Department of Public Safety
15 and Corrections, marshals, investigators, public health investigators, correctional
16 agencies, communications districts, intelligence agencies, or publicly owned water
17 districts of the state, which records are:
18 * * *

Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
(8) 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.

(a) A body-worn camera is a camera worn on an individual law enforcement officer's person that records and stores audio and video.

(b) Body-worn camera video or audio recordings that are determined by the custodian to violate an individual's reasonable expectation of privacy shall be disclosed upon a determination and order from a court of competent jurisdiction pursuant to R.S. 44:35.

(c) All costs of production associated with a court ordered disclosure shall be set by the court.

(d) Notwithstanding any provision of this Chapter to the contrary, 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.

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I. All requests for production of video or audio recordings generated by law enforcement officer body-worn cameras shall be incident specific and shall include reasonable specificity as to the date, time, location, or persons involved. A request for multiple incidents shall include reasonable specificity as to the date, time, location, or persons involved in each incident requested. The custodian may deny a request not containing reasonable specificity.

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§32. Duty to permit examination; prevention of alteration; payment for overtime; copies provided; fees

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C.(1)(a) For all public records, except public records of state agencies, it shall be the duty of the custodian of such public records to provide copies to persons so requesting. The custodian may establish and collect reasonable fees for making
copies of public records. **The custodian may request payment of fees in advance of production.** Copies of records may be furnished without charge or at a reduced charge to indigent citizens of this state.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________