

2018 Regular Session

HOUSE BILL NO. 723 (Substitute for House Bill No. 123 by Representative Garofalo)

BY REPRESENTATIVE GAROFALO

PUBLIC RECORDS: Provides for the award of attorney fees to a person making a public records request when the person prevails or prevails in part in a suit instituted by a public body or official

1 AN ACT

2 To amend and reenact R.S. 44:35(D), relative to public records; to provide relative to suits
3 brought pursuant to the provisions of the Public Records Law; to provide for the
4 award of attorneys fees in such a suit to a person who has made a public records
5 request under certain circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 44:35(D) is hereby amended and reenacted to read as follows:

8 §35. Enforcement

9 * * *

10 D.(1) If a person seeking the right to inspect, copy, or reproduce a record or
11 to receive or obtain a copy or reproduction of a public record prevails in such suit,
12 he shall be awarded reasonable attorney fees and other costs of litigation. If such
13 person prevails in part, the court may in its discretion award him reasonable attorney
14 fees or an appropriate portion thereof.

15 (2) If a public body or official brings a suit against a person based on the
16 person's request to inspect, copy, or reproduce a record or to receive or obtain a copy
17 or reproduction of a public record and the person prevails in the suit, the person shall
18 be awarded reasonable attorney fees and other costs of litigation. If the person

