

## RÉSUMÉ DIGEST

ACT 340 (SB 66)

2019 Regular Session

Riser

Prior law (R.S. 42:12) provided that it is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy.

Prior law (R.S. 42:14) required that every meeting of any public body be open to the public with certain limited exceptions which are provided by law such as executive sessions, executive meetings, discussions of professional competence, or discussions of the mental or physical health of a person.

Prior law (R.S. 42:25) provided for enforcement of the open meetings law in court by the attorney general, the district attorney, or a person who has been denied any right under the Open Meetings Law. Authorized (R.S. 42:26) the court to order any of the following remedies for violations:

- (1) A writ of mandamus.
- (2) Injunctive relief.
- (3) Declaratory judgment.
- (4) Judgment rendering void the action that was taken in violation of the open meetings law.
- (5) Judgment awarding civil penalties.

Prior law (R.S. 42:26) required that if an enforcement proceeding prevails, the person bringing the action be awarded reasonable attorney fees and other costs of litigation. Prior law further provides that, if the court finds that the proceeding was of a frivolous nature and was brought with no substantial justification, the court may award reasonable attorney fees to the prevailing party.

New law retains prior law and provides that the district attorney and the attorney general may also be entitled to reasonable attorney fees and other costs of litigation if the enforcement against sought prevails against a violator of the Open Meetings Law.

Prior law (R.S. 42:28) provides that any member of a public body who knowingly and wilfully participates in a meeting conducted in violation of the Open Meetings Law shall be subject to a civil penalty not to exceed \$100 per violation.

New law retains prior law but increases the maximum amount of the civil penalty from \$100 to \$500.

Effective August 1, 2019.

(Amends R.S. 42:26(C) and 28; adds R.S. 42:26(D))