SENATE BILL NO. 398

BY SENATOR JOHNS

1

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	* * *

AN ACT

SB NO. 398 ENROLLED

1	(8) Video or audio recordings generated by law enforcement officer
2	body-worn cameras that are found by the custodian to violate an individual's
3	reasonable expectation of privacy.
4	(a) A body-worn camera is a camera worn on an individual law
5	enforcement officer's person that records and stores audio and video.
6	(b) Body-worn camera video or audio recordings that are determined by
7	the custodian to violate an individual's reasonable expectation of privacy shall
8	be disclosed upon a determination and order from a court of competent
9	jurisdiction pursuant to R.S. 44:35.
10	(c) All costs of production associated with a court ordered disclosure
11	shall be set by the court.
12	(d) Notwithstanding any provision of this Chapter to the contrary, body-
13	worn camera video or audio recordings generated while the law enforcement
14	officer is not acting in the scope of his official duties shall not be subject to
15	disclosure when the disclosure would violate a reasonable expectation of
16	privacy.
17	* * *
18	I. All requests for production of video or audio recordings generated by
19	law enforcement officer body-worn cameras shall be incident specific and shall
20	include reasonable specificity as to the date, time, location, or persons involved.
21	A request for multiple incidents shall include reasonable specificity as to the
22	date, time, location, or persons involved in each incident requested. The
23	custodian may deny a request not containing reasonable specificity.
24	* * *
25	§32. Duty to permit examination; prevention of alteration; payment for overtime;
26	copies provided; fees
27	* * *
28	C.(1)(a) For all public records, except public records of state agencies, it shall
29	
	be the duty of the custodian of such public records to provide copies to persons so
30	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: _______

ENROLLED

SB NO. 398