The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Matt DeVille.

DIGEST

SB 213 Original | 2023 Regular Session | Duplessis

Present law allows a custodian of public records to establish and collect reasonable fees for making copies of public records, including the transmission of electronic copies. Requires adoption of a uniform fee schedule for copying public records of state agencies.

Proposed law retains present law and further requires a custodian of public records that are not public records of a state agency to set and publicly post a reasonable fee schedule.

Present law allows any person who has been denied the right to inspect, copy, reproduce, or obtain a copy or reproduction of a record either by a determination of the custodian or the passage of five days exclusive of legal holidays from the date the request was made to institute proceedings for the issuance of a writ of mandamus, injunctive or declaratory relief, and attorney fees, costs, and damages in the district court for the parish in which the office of the custodian is located.

Proposed law retains present law and further provides a right of action to a person who has been quoted a fee the person intends to challenge as unreasonable.

Present law allows for the award of actual damages to a public records requestor upon the determination by a court that either the requested record was withheld arbitrarily or capriciously by the custodian or the custodian unreasonably or arbitrarily failed to respond to the request.

Proposed law retains present law and further allows for the award of damages upon determination by the court that the custodian of records arbitrarily or capriciously set an unreasonable copying fee.

Present law provides that the court may award attorney fees to a custodian of public records in the event the custodian retains private legal counsel for his defense or brings suit against a requestor in connection with a request for public records.

Proposed law retains present law and further provides for the award of attorney fees in connection with a challenge to a copying fee.

Effective August 1, 2023.

(Amends R.S. 44:32(C)(1)(a) and 35(A) and (E))