

RÉSUMÉ DIGEST

ACT 638 (HB 767)

2024 Regular Session

Emerson

Confidentiality of Records of Statewide Elected Officials

New law (R.S. 44:5.1) provides that any record of the office of lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, or commissioner of insurance pertaining to the schedule of the official or of an employee of the office that contains security details that if made public may impair the safety of the official may be held confidential for a period of seven days following a scheduled event.

New law provides that it does not make confidential all records concerning the schedule of the official or of an employee of the office or alter any legal deadlines provided by existing law (Public Records Law).

Requests for Records of the Office of the Governor

Existing law defines "office of the governor" as the governor, his chief of staff, deputy chief of staff, and his executive counsel.

New law applies to the "office of the governor" as defined by existing law.

Existing law provides that except as otherwise provided, any person of the age of majority may inspect, copy, or reproduce any public record.

Existing law provides that except as otherwise provided, any person may obtain a copy or reproduction of any public record.

New law provides that as it relates to requests for any record of the office of the governor, only a person who resides in La. and who otherwise meets the qualifications required by existing law may inspect, copy, reproduce, or obtain a copy or reproduction of a public record or seek to enforce the provisions of the Public Records Law.

Existing law provides that "persons" as referred to in the Public Records Law does not include an individual in custody after sentence following a felony conviction who has exhausted his appellate remedies when the request for public records is not limited to grounds upon which the individual could file for post-conviction relief under existing law. Further provides that a custodian may make any inquiry necessary to determine whether a person meets such requirements.

Existing law provides that a custodian shall make no inquiry of any person who applies for a public record, except an inquiry as to the age and identification of the person, and may require the person to sign a register and shall not review, examine, or scrutinize any copy, photograph, or memoranda in the possession of any such person.

New law exempts custodians of records of the office of the governor from existing law.

New law provides that a custodian of a record of the office of the governor may require a person to provide sufficient information to establish the person's identity, age, and La. residency, including any government-issued document showing the person's name, age, or residential address. Further provides that a custodian may deny the request of a person who fails to meet the requirements of new law.

New law provides that any document submitted to a custodian to establish a person's identity, age, or residency shall not be a public record and shall be destroyed within one year of the final disposition of the public record request.

Effective August 1, 2024.

(Amends R.S. 44:31.1; Adds R.S. 44:5.1)