

2026 Regular Session

HOUSE BILL NO. 410

BY REPRESENTATIVES SCHLEGEL AND EDMONSTON

CIVIL/PROCEDURE: Requires notification of all parties to record in-person communication

1 AN ACT

2 To enact Chapter 7 of Code Title IV of Book III of Title 9 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 9:2790.1 through 2790.4, relative to in-person
4 communication; to provide for legislative intent; to provide for definitions; to require
5 individuals to be informed they are being recorded; to provide for penalties; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 7 of Code Title IV of Book III of Title 9 of the Louisiana Revised
9 Statutes of 1950, comprised of R.S. 9:2790.1 through 2790.4, is hereby enacted to read as
10 follows:

11 CHAPTER 7. ~~UNIFORM FRAUDULENT TRANSFER ACT~~

12 ALL PARTY NOTIFICATION FOR IN-PERSON CONVERSATION

13 §2790.1. Legislative findings; declaration of purpose

14 A. The legislature finds that advances in consumer recording technology,
15 artificial intelligence, wearable devices, and automated transcription tools enable
16 interpersonal communications to be permanently preserved in digital form.

17 B. The legislature recognizes that modern technologies enable the creation
18 of permanent digital memory far beyond ordinary human recollection and the
19 legislature declares that individuals retain a reasonable expectation of privacy against
20 the undisclosed technological preservation of direct conversations.

1 C. The legislature further finds that an individual who engages in a direct
2 conversation has a reasonable expectation that the conversation is not recorded or
3 transcribed unless notice is given, and that the undisclosed preservation and
4 dissemination of direct conversations undermines trust, autonomy, dignity, privacy,
5 and fairness in human interactions.

6 D. Recent incidents have highlighted the misuse of wearable recording
7 devices such as smart glasses for covertly filming individuals without their
8 knowledge. These recordings are often disseminated on social media platforms,
9 leading to harassment and violations of personal privacy.

10 E. The purpose of this Chapter is to protect individuals from the
11 technological preservation and harmful dissemination of direct conversations while
12 preserving the lawful recording of public events, legitimate law enforcement activity,
13 public officials, and recordings made to document criminal, tortious, or threatening
14 conduct.

15 F. This Chapter shall not be interpreted to restrict lawful recording protected
16 by the Constitution of the United States of America or the Constitution of Louisiana.

17 §2790.2. Definitions

18 For purposes of this Chapter, the following definitions apply:

19 (1) "Direct conversation" means any in-person oral communication directed
20 to a specific individual or individuals under circumstances in which a reasonable
21 person would not expect the communication to be recorded or transcribed.

22 (2) "First responder activity" means recordings or transcriptions made by a
23 first responder, as defined by R.S. 40:978.1, in the performance of official duties.

24 (3) "Law enforcement activity" means recordings or transcriptions made by
25 a peace officer or other person acting under color of law in the lawful performance
26 of official duties including but not limited to the following:

27 (a) Undercover operations that produce recordings made by undercover
28 officers, confidential informants, and cooperating individuals.

1 **(b) One-party consent recordings conducted as part of an investigation or**
2 **intelligence-gathering function.**

3 **(c) Body camera recordings or any recording conducted by or at the**
4 **discretion of law enforcement.**

5 **(4) "Public or semi-public meetings" mean governmental hearings, press**
6 **conferences, public speeches, rallies, or other similar circumstances.**

7 **§2790.3. Notification of recording direct conversation**

8 **A. No participant in a direct conversation shall intentionally use a portable**
9 **device to record or transcribe a direct conversation with any other participant unless**
10 **all participants are specifically notified that the conversation is being recorded or**
11 **transcribed.**

12 **B. The provisions of this Section do not apply to any of the following:**

13 **(1) Public or semi-public meetings.**

14 **(2) Law enforcement activity.**

15 **(3) Emergencies or first responder activities.**

16 **(4) Public officials performing official duties in public places where there**
17 **is no reasonable expectation of privacy.**

18 **(5)(a) A person who records a law enforcement officer in the performance**
19 **of his official duties while the officer is in a public place or a place where the private**
20 **person has a legal right to be.**

21 **(b) The exception provided in this Paragraph does not extend to an**
22 **individual who physically interferes or materially obstructs lawful law enforcement**
23 **activity.**

24 **(6) Recordings or transcriptions of a direct conversation made for the**
25 **purpose of preserving evidence related to an actual or anticipated civil or**
26 **administrative proceeding.**

27 **(7) Recordings or transcriptions of a direct conversation made for the**
28 **purpose of preserving evidence related to a criminal act or proceeding.**

1 (8) Recordings or transcriptions of a direct conversation made by a
2 participant in his own residence.

3 (9) Recordings or transcriptions of a conversation if the person recording or
4 transcribing the conversation is not a participant.

5 C. Nothing in this Section shall be construed to limit, modify, expand, or
6 supersede the provisions of the Electronic Surveillance Act, R.S. 15:1301 et seq.

7 §2790.4. Penalties

8 Any person who is found to have violated the provisions of this Chapter shall
9 be liable to an individual for any damages including court costs and reasonable
10 attorney fees as ordered by the court.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 410 Reengrossed

2026 Regular Session

Schlegel

Abstract: Requires disclosure to all parties that a direct, in-person conversation is being recorded under circumstances in which a person has a reasonable expectation of privacy.

Proposed law outlines legislative intent and defines "direct conversation", "first responder activity", "law enforcement activity", and "public or semi-public meetings".

Proposed law prohibits a person from intentionally using a portable device to record or transcribe a direct conversation with another party unless all participants of the conversation are specifically notified that the conversation is being recorded or transcribed.

Proposed law does not apply to the following:

- (1) Public or semi-public meetings.
- (2) Law enforcement activity.
- (3) Emergencies or first responder activity.
- (4) Public officials performing official duties in public places where there is no reasonable expectation of privacy.
- (5) A person who records a law enforcement officer in the performance of his official duties while the officer is in a public place or a place where the private person has a legal right to be. This exception does not extend to an individual who physically interferes or materially obstructs lawful law enforcement activity.

- (6) Recordings or transcriptions of a direct conversation made for the purpose of preserving evidence related to an actual or anticipated civil or administrative proceeding.
- (7) Recordings or transcriptions of a direct conversation made for the purpose of preserving evidence related to a criminal act or proceeding.
- (8) Recordings or transcriptions of a direct conversation made by a participant in his own residence.
- (9) Recordings or transcriptions of a conversation if the person recording or transcribing the conversation is not a participant.

Proposed law does not limit, modify, expand, or supersede the provisions of the Electronic Surveillance Act as provided for in present law (R.S. 15:1301-1318).

Proposed law requires the payment of court costs and reasonable attorney fees of a person who violates proposed law.

(Adds R.S. 9:2790.1-2790.4)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Remove language relative to consent to provide that a person only needs to be notified that a direct conversation is being recorded or transcribed.
3. Remove language regarding a reasonable person distinguishing between being overheard and being recorded.
4. Provide that a person who engages in a direct conversation has a reasonable expectation that the conversation is not being recorded or transcribed unless specific notification is given.
5. Define "first responder activity".
6. Remove "sporting events" from the definition of "public or semi-public meetings".
7. Specify that all participants in a direct conversation are to be specifically notified if the conversation is being recorded.
8. Provide that first responder activity is an exception to the notification requirement of proposed law.
9. Add exceptions for recordings or transcriptions of a direct conversation made for the purpose of preserving evidence related to an actual or anticipated civil or administrative proceeding, a criminal act or proceeding, or recordings or transcriptions of a direct conversation made by a participant in his own residence.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Expand the definition of "law enforcement activity".
3. Specify the recording or transcription device as a portable device.
4. Provide an exception if the recording or transcription of a conversation is made by an individual who is not a participant.