

GREEN SHEET REDIGEST

HB 410

2026 Regular Session

Schlegel

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

DIGEST

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) Recordings or transcriptions of a public official made in any of the following manners:
 - (a) Of a public official performing an official duty in a public place where there is no reasonable expectation of privacy.
 - (b) For the purpose of preserving evidence related to a public corruption crime as defined in present law (R.S. 11:293).
 - (c) For the purpose of preserving evidence related to malfeasance in office as provided in present law (R.S. 14:134).
- (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 does not apply to incidental, unintended, or background capture of individuals or conversations occurring in public places where the recording is not specifically directed at the individuals.

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

Proposed law requires a claimant to demonstrate actual damages resulting from intentional unlawful recording or dissemination.

(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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the reengrossed bill

1. Make technical changes.
2. Add exceptions for recording or transcriptions of a public official made in any of the following manners:

- (a) Of a public official performing an official duty in a public place where there is no reasonable expectation of privacy.
 - (b) For the purpose of preserving evidence related to a public corruption crime as defined in present law (R.S. 11:293).
 - (c) For the purpose of preserving evidence related to malfeasance in office as provided in present law (R.S. 14:134).
3. Provide that proposed law does not apply to incidental, unintended, or background capture of individuals or conversations occurring in public places where the recording is not specifically directed at the individuals.
 4. Require a claimant to demonstrate actual damages resulting from intentional unlawful recording or dissemination.