

RÉSUMÉ DIGEST

ACT 965 (HB 410)

2026 Regular Session

Schlegel

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

New law prohibits a person from intentionally using portable wearable eyeglasses to video and record or transcribe a direct conversation with another party unless all participants of the conversation are specifically notified that the conversation is being videoed and recorded or transcribed.

New law does not apply to the following:

- (1) Public or semi-public meetings.
- (2) Law enforcement activity.
- (3) Emergencies or first responder activity.
- (4) Videos and recordings or transcriptions of a public official made in certain circumstances.
- (5) A person who videos and 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) Videos and 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) Videos and recordings or transcriptions of a direct conversation made for the purpose of preserving evidence related to a criminal act or proceeding.
- (8) Videos and recordings or transcriptions of a direct conversation made by a participant in his own residence.
- (9) Recordings or transcriptions made by a participant in his own place of business or employment.
- (10) Recordings or transcriptions made by a participant in his own vehicle or his employer's vehicle.
- (11) Videos and recordings or transcriptions of a conversation if the person recording or transcribing the conversation is not a participant.

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

New 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.

New law requires the payment of court costs and reasonable attorney fees by a person who violates new law.

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

Effective August 1, 2026.

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