

Regular Session, 2012

HOUSE BILL NO. 784

BY REPRESENTATIVE RICHARD

PUBLIC RECORDS: Provides an exemption from public records law for certain documents, electronic storage devices, and the contents of electronic storage devices used by court reporters

1 AN ACT

2 To enact R.S. 44:4(45), relative to records exempt from the public records law; to provide
3 for an exemption for information contained on certain electronic devices used by
4 court reporters; to provide for an exemption for certain physical medium used in or
5 as an electronic storage device by a court reporter; to provide an exemption for
6 certain paper documents created by court reporters; to provide for definitions; to
7 provide for exceptions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 44:4(45) is hereby enacted to read as follows:

10 §4. Applicability

11 This Chapter shall not apply:

12 * * *

13 (45)(a) To the physical medium or contents of any electronic storage device
14 including any compact disc, digital video disc, jump drive, audio or video cassette
15 tape, or any other type of electronic storage device, or to any shorthand or longhand
16 notes or writings or stenotype paper tapes in the custody or under the control of a
17 judge, clerk of court, official court reporter, deputy official court reporter, or
18 certified electronic reporter and which are produced, made, or used by an official
19 court reporter, deputy official court reporter, free lance reporter, or certified

1 electronic reporter in any court of record of the state during any proceedings before
2 that court to report the proceedings or for the purpose of transcribing into typewriting
3 those portions of the proceedings required by law or by the court to be transcribed.

4 (b) The provisions of Subparagraph (a) of this Paragraph shall not apply to
5 the physical medium or contents of any electronic storage device if used or referred
6 to in any hearing, administrative proceedings, or disciplinary proceeding, the record
7 of which is public according to law, before the Judiciary Commission of Louisiana,
8 the Office of Disciplinary Counsel, the Louisiana Attorney Disciplinary Board, the
9 Board of Examiners of Certified Shorthand Reporters, or any board, hearing officer,
10 or panel of such entities.

11 (c) As used in this Paragraph, the terms "official court reporter", "deputy
12 official court reporter", "free lance reporter", and "certified electronic reporter" shall
13 have the same meanings as provided in R.S. 13:961 and R.S. 37:2555.

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)]

Richard

HB No. 784

Abstract: Provides an exception to the public records law for certain electronic storage devices, the contents of such storage devices, and certain paper documents created or used by court reporters.

Present law (R.S. 44:1) establishes a broad definition for a "public record" (All books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state). Proposed law retains present law.

Present law (R.S. 44:4) creates exemptions to this definition of "public record".

Proposed law retains present law and adds an exemption for physical electronic storage mediums, as well as the contents thereof, and any paper documents generated by a court reporter in the course of business for the purpose of reporting the court proceeding or transcribing portions of the proceeding as required by law.

Proposed law defines "court reporter" as in present law.

Proposed law further provides that the proposed law exemption shall not apply to the electronic storage device, the contents thereof, or to the paper documents generated by a court reporter if such items are otherwise public and used or referred to in any hearing, administrative proceedings, or disciplinary proceeding before the Judiciary Commission of La., the Office of Disciplinary Counsel, the La. Attorney Disciplinary Board, or the Board of Examiners of Certified Shorthand Reporters.

(Adds R.S. 44:4(45))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Deletes provisions specifying that official court reporters be certified for their records to be covered by proposed law.