
DIGEST

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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.