

2016 Regular Session

SENATE BILL NO. 398

BY SENATOR JOHNS

PUBLIC RECORDS. Exempts video or audio recordings generated by law enforcement body worn cameras from Public Records Law. (8/1/16)

1 AN ACT

2 To enact R.S. 44:3(A)(8), relative to public records; to provide for records of law
3 enforcement agencies; to provide for recordings of body worn cameras; to provide
4 for exceptions; to provide for disclosure; to provide for costs; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 44:3(A)(8) is hereby enacted to read as follows:

8 §3. Records of prosecutive, investigative, and law enforcement agencies, and
9 communications districts

10 A. Nothing in this Chapter shall be construed to require disclosures of
11 records, or the information contained therein, held by the offices of the attorney
12 general, district attorneys, sheriffs, police departments, Department of Public Safety
13 and Corrections, marshals, investigators, public health investigators, correctional
14 agencies, communications districts, intelligence agencies, or publicly owned water
15 districts of the state, which records are:

16 * * *

17 **(8) Video or audio recordings generated by law enforcement officer body**

1 **worn cameras that are not the subject of a pending criminal proceeding.**

2 **(a) A body worn camera is a camera worn on an individual law**
3 **enforcement officer's person that records and stores audio and video.**

4 **(b) Body worn camera video or audio recordings recorded in the course**
5 **and scope of law enforcement officers' official duties may be subject to**
6 **disclosure only with a valid order signed by a court of competent jurisdiction**
7 **issued pursuant to a contradictory hearing in which the agency, office, or**
8 **department from which the data is sought received reasonable notice and the**
9 **opportunity to respond.**

10 **(c) All costs of production associated with court ordered disclosure of**
11 **noncriminal video or audio recordings, including but not limited to expert**
12 **retention and overtime costs, shall be paid by the requesting party prior to**
13 **disclosure.**

14 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley E. Menou.

DIGEST
SB 398 Original 2016 Regular Session Johns

Present law excludes disclosure of certain records, of the offices of the attorney general, district attorneys, sheriffs, police departments, Department of Public Safety and Corrections, marshals, investigators, public health investigators, correctional agencies, communications districts, intelligence agencies, or publicly owned water districts of the state.

Proposed law retains present law and adds that video or audio recordings generated by law enforcement officer body worn cameras that are not the subject of a pending criminal proceeding are exempt from Public Records Law.

Proposed law defines body worn camera as a camera worn on an individual law enforcement officer's person that records and stores audio and video.

Proposed law provides that body worn camera recordings may be subject to disclosure only with a valid order signed by a court, issued pursuant to a contradictory hearing in which the agency or office from which the recordings are sought has received notice and an opportunity to respond.

Proposed law provides that the costs of production associated with such court-ordered disclosures shall be paid by the requesting party prior to disclosure.

Effective August 1, 2016.

(Adds R.S. 44:3(A)(8))