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

DIGEST 2016 Regular Session

Johns

<u>Present law</u> 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.

<u>Proposed law</u> retains <u>present law</u> and adds that video or audio recordings generated by law enforcement officer body worn cameras that are found by the custodian to violate an individual's reasonable expectation of privacy are exempt from Public Records Law.

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

<u>Proposed law</u> provides that body worn camera recordings that are determined by the custodian to violate an individual's reasonable expectation may be disclosed upon a determination and order from a court of competent jurisdiction.

<u>Proposed law</u> provides that the costs of production associated with such court-ordered disclosures shall be set by the court.

<u>Proposed law</u> provides requests for production of recordings shall be incident specific and shall include reasonable specificity as to date, time, location, or persons involved and authorizes custodian to deny a request not containing reasonable specificity.

<u>Present law</u> allows a custodian of public records to establish and collect reasonable fees for making copies of public records.

<u>Proposed law</u> retains <u>present law</u> and allows the custodian to request payment of fees for making copies of public records in advance of production.

Effective August 1, 2016.

SB 398 Engrossed

(Amends R.S. 44:32(C)(1)(a); adds R.S. 44:3(A)(8) and (I))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

- 1. Changes what body worn camera audio or video recordings are excluded from disclosure <u>from</u> recordings that are not subject of a pending criminal proceeding <u>to</u> recordings that are found by the custodian to violate an individual's reasonable expectation of privacy.
- 2. Allows body worn camera recordings that are determined to violate an individual's reasonable expectation of privacy to be disclosed upon a determination and order from a court.
- 3. Changes the way fees associated with court ordered disclosure of body worn camera recordings are set and provides the fees will be set by the court.
- 4. Adds requirement of reasonable specificity in all requests for production of recordings and allows a custodian to deny a request not containing reasonable specificity.
- 5. Changes <u>from</u> requesting party shall pay costs prior to disclosure <u>to</u> may pay costs in advance of production.