

02026 Regular Session

HOUSE BILL NO. 1012 (Substitute for House Bill No. 843 by Representative Boyd)

BY REPRESENTATIVES BOYD, BAYHAM, BILLINGS, CARRIER, WILFORD
CARTER, CHASSION, FISHER, DANA HENRY, JORDAN, KNOX, LAFLEUR,
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PUBLIC RECORDS: Provides relative to access to personal information of a victim of a sex offense

1 AN ACT

2 To enact R.S. 44:11.2(A)(10) and (K), relative to public records; to limit access to the
3 personal information of a victim of a sex offense; to provide for definitions; to create
4 the Sexual Assault Survivor Empowerment and Privacy Protection Act; to provide
5 relative to time delays related to the removal of published personal information; to
6 provide for criminal penalties; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 44:11.2(A)(10) and (K) are hereby enacted to read as follows:

9 §11.2. Limited access to personal information for protected individuals

10 A. As used in this Section, the term "protected individual" shall mean:

11 * * *

12 (10) A victim of a sex offense as defined in R.S. 15:541.

13 * * *

14 K.(1) A request made by a victim of a sex offense as provided in Subsection
15 E of this Section shall include with it a police report, protective order, or final
16 judgment indicating that the person is or is alleged to be a victim of a sex offense.

17 (2) A person shall not knowingly publish the personal information of a
18 victim of a sex offense if he knows or reasonably should know that publishing the

1 personal information poses an imminent and serious threat to the protected individual
2 and the publishing of the personal information results in any of the following:

3 (a) An assault in any degree.

4 (b) Harassment.

5 (c) Trespass.

6 (d) Malicious destruction of property.

7 (3)(a) Notwithstanding Subsection F of this Section, not later than five days
8 after receiving a request as provided by Subsection E of this Section from a victim
9 of a sex offense, the public body shall acknowledge receipt of the request in writing
10 by certified mail or by email and take steps reasonably necessary to ensure that the
11 personal information is not published.

12 (b) Notwithstanding Subsection F of this Section, if the personal information
13 of a victim of a sex offense was published prior to receipt of a request as provided
14 in Subsection E of this Section, the public body shall provide for the removal of the
15 personal information of the victim within seventy-two hours after acknowledgment
16 of receipt of the request or provide to the victim a reason in writing why the request
17 has not been fulfilled.

18 (4) Notwithstanding Subsection I of this Section, a person who violates this
19 Section as it relates to personal information of a victim of a sex offense is guilty of
20 a misdemeanor and on conviction is subject to imprisonment not exceeding eighteen
21 months or a fine not exceeding five thousand dollars, or both. Neither this provision
22 nor any other penalty provision provided for in this Section shall apply to a public
23 body.

24 Section 2. The legislature recognizes the importance of empowering those
25 individuals who are victims of sex offenses and the need to protect their privacy and
26 personal information from disclosure. It is therefore the intent of the legislature to enact
27 statutory provisions to limit public access to personal information of victims of sex offenses
28 and to provide for legal consequences for the unauthorized release of this information. This

- 1 Act shall be known and may be cited as the "Sexual Assault Survivor Empowerment and
2 Privacy Protection Act."
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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)]

HB 1012 Reengrossed

2026 Regular Session

Boyd

Abstract: Adds a victim of a sex offense as a protected individual, adds additional protections for victims of a sex offense, shortens the delays for the acknowledgment of receipt of a request for removal and the removal of protected information of a victim of a sex offense, and increases the criminal penalties for violations related to the protected information of a victim of a sex offense.

Present law provides protections for the personal information of protected individuals, including a current or retired justice of the La. Supreme Court; a current or retired judge of an appellate, district, family, juvenile, parish, city, or municipal court established under the Constitution of La.; a current or retired justice or judge of a federal court domiciled in the state; a current or retired magistrate appointed by a state court; a current or retired U.S. magistrate judge domiciled in the state; a current or retired commissioner or hearing officer of any district court in the state; a current or retired district attorney, assistant district attorney, district attorney investigator; a current member of the legislature; a current statewide elected official; and a current member of the public service commission.

Proposed law retains present law and adds victims of a sex offense as protected individuals.

Present law protects the home address, home and mobile telephone number, personal email address, social security number, driver's license number, federal tax identification number, bank account numbers, credit or debit card number, license plate number or unique identifier of a vehicle, marital record, date of birth, school or daycare of a child, or place of worship of a protected individual and the employment location of a spouse, child, or dependent of a protected individual.

Proposed law retains present law and applies the same to victims of a sex offense.

Present law authorizes and provides the method for a protected individual to request that a public body or third party not publish the protected individual's personal information and remove the personal information from any existing publication.

Proposed law retains present law, applies the same to victims of a sex offense and provides that a request made by a victim of a sex offense shall include with it a police report, protective order, or final judgment indicating that the person is or is alleged to be a victim of a sex offense.

Present law provides that not later than 10 days after receiving a request, a public body shall acknowledge receipt of the request in writing by certified mail or by email and take steps reasonably necessary to ensure that the personal information is not published.

Proposed law retains present law as it applies to other protected individuals, but provides that the public body shall acknowledge receipt of a request from a victim of a sex offense within five days after receiving the request.

Present law provides that if the personal information is already published, the public body shall provide for the removal of the personal information within 15 days after acknowledgment of receipt of the request or provide a reason in writing why the request has not been fulfilled.

Proposed law retains present law as it applies to other protected individuals, but provides that the public body shall provide for the removal of personal information of a victim of a sex offense within 72 hours after acknowledgment of receipt of the request or provide a reason in writing why the request has not been fulfilled.

Present law provides that a third party to whom a request is made shall provide for the removal of the personal information within 72 hours after receipt of the request and notify the protected individual or the judicial administrator's office by certified mail or by email of the removal.

Proposed law retains present law and applies the same to the personal information of a victim of a sex offense.

Proposed law provides that a person shall not knowingly publish the personal information of a victim of a sex offense if he knows or reasonably should know that publishing the personal information poses an imminent and serious threat to the protected individual and the publishing of the personal information results in an assault in any degree, harassment, trespass, or the malicious destruction of property.

Present law authorizes a protected individual to bring an action for mandamus against a public body or third party for declaratory relief, injunctive relief, and reasonable attorney fees. Further authorizes a protected individual to bring an action against a third party for damages.

Proposed law retains present law and applies the same to a victim of a sex offense.

Present law provides that a person who violates present law is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000, or both.

Proposed law retains present law as it applies to other protected individuals, but provides that a person who violates proposed law is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$5,000, or both.

Present law does not apply to personal information on records publicly posted by the office of the secretary of state.

Proposed law retains present law and applies the same to the personal information of a victim of a sex offense.

(Adds R.S. 44:11.2(A)(10) and (K))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Require a victim of a sex offense to include a police report, protective order, or final judgment indicating that the person is or is alleged to be a victim of a sex offense in a request to not publish the victim's personal information.