

2020 Regular Session

SENATE BILL NO. 69

BY SENATOR BOUDREAUX

SECRETARY OF STATE. Authorizes the secretary of state to refer matters involving the damaging, alerting, tampering, or of falsifying records to certain agencies for investigation.  
(gov sig)

1 AN ACT  
2 To amend and reenact R.S. 44:422, relative to records held by state agencies; to provide  
3 relative to the investigation of records in certain instances; to provide for the  
4 appropriate investigative bodies; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 44:422 is hereby amended and reenacted to read as follows:

7 §422. Safeguards against removal or loss of records

8 A. The head of each agency of the state or its subdivisions shall establish  
9 such safeguards against removal or loss of records as he shall deem necessary and  
10 as may be required by rules and regulations issued under authority of this Chapter.  
11 Such safeguards shall include making it known to all officials and employees of the  
12 agency that no records are to be alienated or destroyed except in accordance with law  
13 and the policies, rules, and regulations developed therefrom by the state archivist and  
14 the division, and calling their attention to the penalties provided by law for the  
15 unlawful removal or destruction of records.

16 **B. The Secretary of State, acting through the State Archivist, may refer**  
17 **any matter to the Legislative Auditor, Inspector General, or Attorney General**

1 **as necessary for investigation relating to any instances of damaging, altering,**  
2 **tampering, or falsifying records, including fraudulent creation, distribution, or**  
3 **filing of such records.**

4 Section 2. This Act shall become effective upon signature by the governor or, if not  
5 signed by the governor, upon expiration of the time for bills to become law without signature  
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
8 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by James Benton.

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## DIGEST

SB 69 Original

2020 Regular Session

Boudreaux

Present law provides that the head of each agency of the state or its subdivisions will establish such safeguards against removal or loss of records as may be required by present law. These safeguards will include making it known to all officials and employees of the agency that no records are to be alienated or destroyed except in accordance with present law and the policies, rules, and regulations of the State Archivist and the division.

Proposed law retains present law but requires that the Secretary of State, acting through the State Archivist, may refer any matter to the Legislative Auditor, Inspector General, or Attorney General as necessary for investigation relating to any instances of damaging, altering, tampering, or falsifying records, including fraudulent creation, distribution, or filing of such records.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 44:422)