

2022 Regular Session

SENATE BILL NO. 228

BY SENATOR MORRIS

PUBLIC RECORDS. Provides for immunity from suit for invasion of privacy. (8/1/22)

1 AN ACT

2 To enact R.S. 44:42, relative to public records custodians; to provide for immunity from suit
3 in certain circumstances; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 44:42 is hereby enacted to read as follows:

6 **§42. Immunity from suit for invasion of privacy**

7 **A. Any custodian who releases records in response to a public records**
8 **request made pursuant to this Chapter shall be immune from any lawsuit for**
9 **invasion of privacy alleged to be caused by the release of public records,**
10 **provided the custodian acts on advice of counsel.**

11 **B. This Section shall not apply if the release of the records is proven to**
12 **be arbitrary and capricious.**

13 **C. A custodian who claims the immunity provided by this Section shall**
14 **be entitled to a presumption that his conduct was not arbitrary and capricious**
15 **upon presenting a prima facie case of his reliance on advice of counsel.**

16 **D. For purposes of this Section "advice of counsel" means a**
17 **determination by the custodian's selected attorney, or if the custodian is an**

