

**SENATE SUMMARY OF HOUSE AMENDMENTS**

**SB 478**

**2022 Regular Session**

**Bernard**

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

PUBLIC RECORDS. Provide relative to the public records law. (8/1/22)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Provides for when a requestor fails to pay applicable copying fee when notified in advance or when requestor has outstanding balance due from prior request.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

DIGEST

SB 478 Engrossed

2022 Regular Session

Bernard

Present law defines which materials are considered public records.

Proposed law adds electronically stored information and information contained in databases to the list of materials considered public records.

Present law provides that the custodian of records cannot make an inquiry of any applicant of a public record except an inquiry as to the age and identification of the person.

Proposed law retains present law and authorizes the custodian of records to make an additional inquiry relative to the specificity of the request if, after review of the initial request, he is unable to ascertain what records are being requested. Further allows the custodian to deny access to a record after reasonable attempts to narrow or specify the request with the requestor if he reasonably determines the request would substantially disrupt government operations.

Present law provides that a custodian of public records may establish and collect reasonable fees for making copies of public records and request payment of fees in advance of production.

Proposed law retains present law and further provides that it is the duty of the custodian to provide copies to a requestor unless the requestor fails to pay the applicable copying fees after being notified of the amount in advance or if the requestor has an outstanding balance due from a prior request.

Present law provides that in any case in which a record is requested and a question is raised by the custodian of the record as to whether it is a public record, such custodian shall within three days, exclusive of Saturdays, Sundays, and legal public holidays, of the receipt of the request, in writing for such record, notify in writing the person making such request of his determination and the reasons therefor.

Proposed law grants the custodian five days to provide written notice to the requesting party.

Present law provides that the custodian of records shall be personally liable and liable in solido with the public body for the payment of damages due to a requester if a court of proper jurisdiction determines the custodian arbitrarily or capriciously withheld a requested record or unreasonably or arbitrarily failed to respond to a records request.

Proposed law retains present law.

Present law provides for penalties for violations of public records law by custodians of public records.

Proposed law requires the violation of public records law to be arbitrary or capricious in nature to qualify for penalties in present law.

Effective August 1, 2022.

(Amends R.S. 44:1(A)(2)(a), 32(A), (C)(1)(a) and (2), and (D), 35(E)(2), and 37)

---

Thomas L. Tyler  
Senate Counsel