

2023 Regular Session

SENATE BILL NO. 213

BY SENATOR DUPLESSIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC RECORDS. Provides relative to the costs for public records. (8/1/23)

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AN ACT

To amend and reenact R.S. 44:32(C)(1)(a) and 35(A) and (E), relative to examination of public records; to provide for a fee schedule; to provide for notification; to provide for the collection of fees; to provide for challenges of fees; to provide for the award of attorney fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:32(C)(1)(a) and 35(A) and (E) are hereby amended and reenacted to read as follows:

§32. Duty to permit examination; prevention of alteration; payment for overtime; copies provided; fees

* * *

C.(1)(a) For all public records, except public records of state agencies, it shall be the duty of the custodian of such public records to provide copies to persons so requesting, unless the requestor fails to pay the applicable copying fees after being notified of the amount in advance of production or the requestor has an outstanding balance from a prior request. The custodian may establish and collect reasonable fees for making copies of public records, which may include the transmission of

1 electronic copies of public records. Any custodian who elects to establish and
 2 collect such fees shall establish a reasonable fee schedule and post the schedule
 3 where it can be readily accessed by the public. The custodian may request
 4 payment of fees in advance of production. Copies of records may be furnished
 5 without charge or at a reduced charge to indigent citizens of this state.

6 * * *

7 §35. Enforcement

8 A. Any person who has been denied the right to inspect, copy, reproduce, or
 9 obtain a copy or reproduction of a record under the provisions of this Chapter, either
 10 by a determination of the custodian, by being quoted a fee that the person wishes
 11 to challenge as unreasonable, or by the passage of five days, exclusive of
 12 Saturdays, Sundays, and legal public holidays, from the date of his in-person,
 13 written, or electronic request without receiving a determination in writing by the
 14 custodian or an estimate of the time reasonably necessary for collection, segregation,
 15 redaction, examination, or review of a records request, may institute proceedings for
 16 the issuance of a writ of mandamus, injunctive or declaratory relief, together with
 17 attorney fees, costs, and damages as provided for by this Section, in the district court
 18 for the parish in which the office of the custodian is located.

19 * * *

20 E.(1) If the court finds that the custodian arbitrarily or capriciously withheld
 21 the requested record, arbitrarily or capriciously set an unreasonable copying fee,
 22 or unreasonably or arbitrarily failed to respond to the request as required by R.S.
 23 44:32, it may award the requestor any actual damages proven by him to have resulted
 24 from the actions of the custodian except as ~~hereinafter~~ provided in Paragraph (2)
 25 of this Subsection. In addition, if the court finds that the custodian unreasonably or
 26 arbitrarily failed to respond to the request as required by R.S. 44:32 it may award the
 27 requestor civil penalties not to exceed one hundred dollars per day, exclusive of
 28 Saturdays, Sundays, and legal public holidays for each such day of such failure to
 29 give notification.

Proposed law retains present law and further provides for the award of attorney fees in connection with a challenge to a copying fee.

Effective August 1, 2023.

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