

GREEN SHEET REDIGEST

HB 213

2023 Regular Session

Brass

PUBLIC RECORDS: Exempts certain school surveillance and security video from the Public Records Law.

DIGEST

Present law (R.S. 44:1 et seq.-Public Records Law) provides that all types of documentary materials, regardless of format, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state are "public records". Present law excludes from the definition of "public record" any documentary material of a security feature of a public body's electronic data processing system, information technology system, telecommunications network, or electronic security system. Present law establishes a framework for the ready availability of public records to requesting persons and specifically provides that it is the duty of the custodian of the public records of a public entity or agency to provide copies to persons so requesting. Provides for certain exceptions, exemptions, and limitations.

Present law further exempts blueprints and floor plans of the interior of a public school building or facility from the Public Records Law.

Proposed law additionally exempts surveillance and security video of the inside of or covering the area immediately surrounding a building owned, operated, or maintained by a school board or a charter school from the Public Records Law, except requires the governing authority of each public elementary and secondary school, including charter schools, to adopt a policy to govern the video. Requires the policy to contain provisions relative to the retention of the video for at least 30 days, protecting student privacy, and determining to whom and under what circumstances the recordings may be disclosed, procedures for how a parent or legal guardian may request to review a recording and any limitations relative thereto. Refers to present law (R.S. 17:3914) definition of parent or legal guardian for proposed law purposes. Further specifies that proposed law does not affect a parent's or legal guardian's right to access video recordings in accordance with present law (R.S. 17:1948) provisions for videos in a classroom or other special education setting in which a majority of students in regular attendance are provided special education and related services.

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

(Adds R.S. 44:3.1.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Add a requirement for the adoption of policies for the limited retention and viewing of the video under specified circumstances.
2. Detail the minimum requirements of the policies.
3. Specify that proposed law does not affect a parent's or legal guardians' right to access video recordings in special education settings as provided in present law.
4. Provide that "parent or legal guardian" means a student's parent, legal guardian, or other person or entity responsible for the student as provided in present law.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the engrossed bill

1. Define the term "bona fide news gathering organization".
2. Include bona fide news gathering organizations covering an incident to the list of entities that request to view the recordings.