

ACT No. 301

2023 Regular Session

HOUSE BILL NO. 213

BY REPRESENTATIVE BRASS

1 AN ACT

2 To enact R.S. 44:3.1.1, relative to public records; to exempt certain surveillance and security
3 video in and around buildings owned, operated, or maintained by a public school
4 board or a charter school from the Public Records Law; to provide for policies
5 adopted by school governing authorities to provide for limited retention and viewing
6 of surveillance and security video in and around school property; to provide for an
7 effective date: and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 44:3.1.1 is hereby enacted to read as follows:

10 §3.1.1. School surveillance and security video; limited retention and viewing policy

11 A. Except as otherwise provided in this Section, the provisions of this
12 Chapter shall not apply to any surveillance and security video of the inside of or
13 covering the area immediately surrounding a building owned, operated, or
14 maintained by a public school board or a charter school.

15 B. The governing authority of each public elementary and secondary school,
16 including charter schools, shall adopt a policy governing all surveillance and security
17 video in and around buildings owned, operated, or maintained by the governing
18 authority. Each policy shall contain provisions for all of the following:

1 (1) Retaining, storing, and disposing of the recorded video and audio data,
2 including a requirement that the recordings be retained for at least thirty days from
3 the recording date.

4 (2) Protecting student privacy and for determining to whom and under what
5 circumstances the recordings may be disclosed including limiting viewing of the
6 recordings to the appropriate school officials, law enforcement officials investigating
7 an incident, and, upon request, a bona fide news gathering organization covering an
8 incident, and the parent or legal guardian of a recorded student if there was an
9 incident involving that student.

10 (3) Procedures regarding how a parent or legal guardian or a bona fide news
11 gathering organization may request to review a recording, and any limitations to a
12 request.

13 C.(1) For purposes of this Section, the phrase "parent or legal guardian" shall
14 have the same meaning as provided in R.S. 17:3914.

15 (2) For purposes of this Section, the phrase "bona fide news gathering
16 organization" shall mean:

17 (a) A newspaper, or news publication, printed or electronic, of current news
18 and intelligence of varied, broad, and general public interest, that has been published
19 for a minimum of one year and that can provide verifiable documentation of
20 membership in a statewide or national press association, as represented by an
21 employee thereof who can provide verifiable documentation of his employment with
22 the newspaper, wire service, or news publication.

23 (b) A radio broadcast station, television broadcast station, cable television
24 operator, or wire service as represented by an employee thereof who can provide
25 verifiable documentation of his employment.

26 (3) For purposes of compliance with Subsection B of this Section, the
27 surveillance and security video recordings shall not be considered "personally
28 identifiable information" as defined in R.S. 17:3914.

29 D. Nothing in this Section shall affect a parent's or legal guardian's right to
30 access videos pursuant to R.S. 17:1948.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____