

GREEN SHEET REDIGEST

HB 669

2024 Regular Session

Boyd

COURTS: Provides relative to judicial security.

DIGEST

Proposed law provides for definitions.

Proposed law permits a protected individual or the judicial administrator's office on behalf of a protected individual to request a governmental entity or third party to remove a judge's personal information.

Proposed law requires that a request to not publish the protected individual's personal information or to remove the protected individual's personal information from any existing publication be in writing, and contain the document type, description of the location on the public body's website, date of filing, registry or docket number, and an electronic mail address for correspondence, and sent by certified mail or electronic mail address.

Proposed law provides further that the request provide sufficient information to confirm that the requester is a protected individual and that a request made by the judicial administrator's office certifies that a requester is a protected individual, and no further information may be required to confirm that the requester is a protected individual.

Proposed law provides that the protected individual shall be responsible for confirming receipt of the request.

Proposed law provides that not later than ten days after receiving a request as provided by proposed law a public body shall promptly acknowledge receipt of the request in writing by certified mail or by email and take steps reasonably necessary to ensure that the personal information is not published. Provides for the removal of the personal information within 15 days after acknowledgment of receipt of the request or provide a reason in writing why the request has not been fulfilled.

Proposed law provides that a third party to whom a request is made shall provide for the removal of the personal information within 72 hours after receipt of the request and notify the protected individual or the judicial administrator's office by certified mail or by email of the removal.

Proposed law provides for injunctive or declaratory relief, together with attorney fees for violations of proposed law by a public body. Provides for injunctive or declaratory relief, together with attorney fees or damages incurred as a result of a violation of proposed law by third parties. Provides that a protected individual or the judicial administrator's office may bring an action for mandamus due to a violation of proposed law.

Proposed law provides that a person who violates proposed law is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000, or both. Neither this provision nor any other penalty provision shall apply to a public body.

Effective on February 1, 2025.

(Adds R.S. 44:11.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Make technical changes.
2. Add the definition of "publish".

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the engrossed bill

1. Makes technical changes.
2. Adds the definition of "public body".
3. Clarifies terms and procedures.
4. Changes from five days to ten days for the governmental entity to acknowledge receipt of the request from the protected individual or the judicial administrator's office on behalf of a protected individual.
5. Changes from 72 hours to 15 days for the personal information of the protected individual to be removed after receipt of the request.
6. Removes the authorization of the court to award punitive damages if the court finds a person knowingly and willfully refused to provide for the removal of personal information.
7. Deletes provisions of proposed law clarifying results of publishing of the personal information when a person knows or reasonably should know that publishing the personal information poses an imminent and serious threat to the protected individual.
8. Changes the violation of imprisonment from not to exceed 18 months to 90 days or a fine from not exceeding \$5,000 to not exceeding \$1,000.
9. Clarifies that the violations do not apply to public bodies.
10. Adds an effective date of February 1, 2025.