
DIGEST

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HB 410 Engrossed

2026 Regular Session

Schlegel

Abstract: Requires disclosure to all parties that a direct, in-person conversation is being recorded under circumstances in which a person has a reasonable expectation of privacy.

Proposed law outlines legislative intent and defines "direct conversation", "first responder activity", "law enforcement activity", and "public or semi-public meetings".

Proposed law prohibits a person from intentionally using a device to record or transcribe a direct conversation with another party unless all participants of the conversation are specifically notified that the conversation is being recorded or transcribed.

Proposed law does not apply to the following:

- (1) Public or semi-public meetings.
- (2) Law enforcement activity.
- (3) Emergencies or first responder activity.
- (4) Public officials performing official duties in public places where there is no reasonable expectation of privacy.
- (5) A person who records a law enforcement officer in the performance of his official duties while the officer is in a public place or a place where the private person has a legal right to be. This exception does not extend to an individual who physically interferes or materially obstructs lawful law enforcement activity.
- (6) Recordings or transcriptions of a direct conversation made for the purpose of preserving evidence related to an actual or anticipated civil or administrative proceeding.
- (7) Recordings or transcriptions of a direct conversation made for the purpose of preserving evidence related to a criminal act or proceeding.
- (8) Recordings or transcriptions of a direct conversation made by a participant in his own residence.

Proposed law does not limit, modify, expand, or supersede the provisions of the Electronic

Surveillance Act as provided for in present law (R.S. 15:1301 through 1318).

Proposed law requires the payment of court costs and reasonable attorney fees of a person who violates proposed law.

(Adds R.S. 9:2790.1-2790.4)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Remove language relative to consent to provide that a person only needs to be notified that a direct conversation is being recorded or transcribed.
3. Remove language regarding a reasonable person distinguishing between being overheard and being recorded.
4. Provide that a person who engages in a direct conversation has a reasonable expectation that the conversation is not being recorded or transcribed unless specific notification is given.
5. Define "first responder activity".
6. Remove "sporting events" from the definition of "public or semi-public meetings".
7. Specify that all participants in a direct conversation are to be specifically notified if the conversation is being recorded.
8. Provide that first responder activity is an exception to the notification requirement of proposed law.
9. Add exceptions for recordings or transcriptions of a direct conversation made for the purpose of preserving evidence related to an actual or anticipated civil or administrative proceeding, a criminal act or proceeding, or recordings or transcriptions of a direct conversation made by a participant in his own residence.