

2018 Regular Session

SENATE BILL NO. 168

BY SENATOR THOMPSON

PUBLIC RECORDS. Exempts certain Department of Agriculture and Forestry records from the Public Records Law. (gov sig)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 44:3(A), relative to public records;  
3 to exempt certain records of the Department of Agriculture and Forestry from the  
4 Public Records Law; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 44:3.5 is hereby enacted to read as follows:

7 **§3.5. Records of the Department of Agriculture and Forestry**

8 **Nothing in this Chapter shall be construed to require the disclosure of**  
9 **records, or the information contained therein, held by the Department of**  
10 **Agriculture and Forestry which records are:**

11 **(1) Held by the Forestry Officers and Livestock Brand Inspectors**  
12 **pertaining to pending criminal litigation or any criminal litigation which can be**  
13 **reasonably anticipated, until such litigation has been finally adjudicated or**  
14 **otherwise settled.**

15 **(2) Pertaining to the Medical Marijuana Program containing the internal**  
16 **procedures, security procedures, security plans, transportation plans, and**  
17 **proprietary information of a licensee.**

1                    **(3) Emergency Preparedness information specifically pertaining to the**  
 2                    **location of emergency fuel and the identity of pets and pet owners during a**  
 3                    **declared emergency.**

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

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The original instrument was prepared by Curry J. Lann. The following digest,  
 which does not constitute a part of the legislative instrument, was prepared  
 by Tim Prather.

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DIGEST

SB 168 Engrossed                    2018 Regular Session                    Thompson

Present law (R.S. 44:3) provides an exemption to the Public Records Law for certain records held by the offices of the attorney general, district attorneys, sheriffs, police departments, Department of Public Safety and Corrections, marshals, investigators, public health investigators, correctional agencies, communications districts, intelligence agencies, Council on Peace Officer Standards and Training, Louisiana Commission on Law Enforcement and Administration of Criminal Justice, or publicly owned water districts of the state, as follows:

- (1) Records pertaining to pending criminal litigation or any criminal litigation which can be reasonably anticipated.
- (2) Records containing the identity of a confidential source of information.
- (3) Records containing security procedures, investigative training information or aids, investigative techniques, investigative technical equipment or instructions on the use thereof, or criminal intelligence information pertaining to terrorist-related activity.
- (4) Records of the arrest of a person, other than the report of the officer or officers investigating a complaint, until a final judgment of conviction or the acceptance of a plea of guilty by a court of competent jurisdiction.
- (5) Records containing the identity of an undercover police officer or records which would tend to reveal the identity of an undercover police officer.
- (6) Records concerning status offenders as defined in the Code of Juvenile Procedure.
- (7) Records collected and maintained by the Louisiana Bureau of Criminal Identification and Information, provided that this exception shall not apply to the central registry of sex offenders maintained by the bureau.
- (8) Video or audio recordings generated by law enforcement officer body-worn cameras that are found by the custodian to violate an individual's reasonable expectation of privacy.

Proposed law provides nothing in present law will be construed to require the disclosure of

records, or the information contained therein, held by the Department of Agriculture and Forestry which records are:

- (a) Held by the Forestry Officers and Livestock Brand Inspectors pertaining to pending criminal litigation or any criminal litigation which can be reasonably anticipated, until such litigation has been finally adjudicated or otherwise settled.
- (b) Pertaining to the Medical Marijuana Program containing the internal procedures, security procedures, security plans, transportation plans, and proprietary information of a licensee.
- (c) Emergency Preparedness information specifically pertaining to the location of emergency fuel and the identity of pets and pet owners during a declared emergency.

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

(Adds R.S. 44:3.5)

Summary of Amendments Adopted by Senate

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

1. Provides an exemption for the Dept. of Agriculture and Forestry from certain aspects of the Public Records Law.
2. Exempts records of certain information relative to Forestry Officers and Livestock Brand Inspectors.
3. Exempts records relative to certain aspects of the Medical Marijuana Program.
4. Exempts records relative to certain Emergency Preparedness information.