

RÉSUMÉ DIGEST

ACT 394 (HB 723)

2018 Regular Session

Garofalo

Existing law establishes the right of any person to examine a public record. Authorizes an individual to inspect, copy, or reproduce a public record and authorizes a person to obtain a copy or reproduction of a public record. Provides that a person who has been denied the right to inspect or copy a public record may institute proceedings for the issuance of a writ of mandamus, injunctive, or declaratory relief, together with attorney fees, costs, and damages, in the district court for the parish in which the office of the custodian of the record is located.

Existing law provides that if a person seeking to inspect, copy, or reproduce a record or to receive or obtain a copy or reproduction of a public record prevails in such suit, he shall be awarded reasonable attorney fees and other costs of litigation. Provides that if the person prevails in part, the court may award him reasonable attorney fees or an appropriate portion thereof. Provides that an award for attorney fees shall not exceed the amounts approved by the attorney general for the employment of outside counsel. Further authorizes the court to award the requester civil penalties not to exceed \$100 per day, exclusive of Saturdays, Sundays, and legal public holidays, if the court finds that the custodian unreasonably or arbitrarily failed to respond to the request as required by existing law.

New law provides that if a public body or official brings a suit against a person based on the person's request to inspect, copy, or reproduce a record or to receive or obtain a copy or reproduction of a public record and the person prevails in the suit, the person shall be awarded reasonable attorney fees and other costs of litigation. Provides that if the person prevails in part, the court may award the person reasonable attorney fees or an appropriate portion thereof.

Effective August 1, 2018.

(Amends R.S. 44:35(D))