
DIGEST

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HB 470 Original

2021 Regular Session

Lyons

Abstract: Provides for video and audio recordings that are exempt from public disclosure.

Present law provides that the offices of the attorney general, district attorneys, sheriffs, police departments, Dept. of Public Safety and Corrections, marshals, investigators, public health investigators, correctional agencies, communications districts, intelligence agencies, Council on Peace Officer Standards and Training, La. Commission on Law Enforcement and Administration of Criminal Justice, and publicly owned water districts of the state are not required to disclose certain records to the public.

Present law provides that 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 are exempt from public disclosure.

Proposed law retains present law and adds an exemption for video or audio recordings generated by vehicle mounted cameras or other devices.

Proposed law retains present law and includes the potential violation of an individual's reasonable expectation of privacy.

Present law provides a definition for a body-worn camera.

Proposed law repeals present law.

Present law provides that body-worn camera video or audio recordings that are determined by the custodian to violate an individual's reasonable expectation of privacy shall be disclosed upon a determination and order from a court of competent jurisdiction.

Proposed law provides removes the specification of body-worn cameras from video or audio recordings and includes the potential violation of an individual's reasonable expectation of privacy.

Present law provides that all costs of production associated with a court-ordered disclosure shall be set by the court.

Proposed law repeals present law.

Present law provides that body-worn camera video or audio recordings generated while the law

enforcement officer is not acting in the scope of his official duties shall not be subject to disclosure when the disclosure would violate a reasonable expectation of privacy.

Proposed law provides that video or audio recordings generated while the law enforcement officer is not acting in the scope of his official duties shall not be subject to disclosure of the video or audio recording includes the potential violation of an individual's reasonable expectation of privacy.

Present law provides that a person who prevails in a suit seeking the right to inspect, copy, or reproduce a record or to receive or obtain a copy or reproduction of a public record shall be awarded reasonable attorney fees and other costs of litigation. Provides that the court may in its discretion award the prevailing person reasonable or appropriate attorney fees.

Proposed law retains present law and adds the prerequisite that the person's request is denied by the custodian based on an exception. Provides that a person may be awarded reasonable attorney fees and other costs of litigation if the judge determines the custodian had no reasonable basis for the denial.

Present law provides that person who prevails in a suit brought by a public body or official 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 shall be awarded attorney fees and other costs of litigation. Provides that the court may use discretion in awarding the prevailing person reasonable or appropriate attorney fees.

Proposed law provides that a person may be awarded reasonable attorney fees and other costs of litigation in a suit brought by the public body or official if the judge determines the custodian had no reasonable basis for the denial.

(Amends R.S. 43:3(A)(8) and 35(D))