

2023 Regular Session

HOUSE BILL NO. 361

BY REPRESENTATIVES DESHOTEL, GAROFALO, AND CHARLES OWEN AND
SENATOR CATHEY

1 AN ACT

2 To enact Chapter 25-A of Title 42 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 42:1471 through 1474, relative to public officers and employees;
4 to provide for policies prohibiting the use of certain applications on computers,
5 devices, and networks owned or leased by the state; to provide for definitions; to
6 provide for duties of the office of technology services; to provide for approval by the
7 Joint Legislative Committee on Technology and Cybersecurity; to provide for duties
8 of certain agency heads; to provide for penalties; to provide for exceptions; to
9 provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 25-A of Title 42 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 42:1471 through 1474, is hereby enacted to read as follows:

13 CHAPTER 25-A. PROHIBITED USE OF PUBLIC COMPUTERS AND NETWORKS

14 §1471. Definitions

15 Unless the context clearly indicates otherwise, the following words and
16 terms, when used in this Chapter, shall have the following meanings:

17 (1) "Agency" means a department, office, division, agency, commission,
18 board, committee, or other organizational unit of a governmental entity.

19 (2) "Agency head" means the chief executive or administrative officer of an
20 agency or the chairman of a board or commission.

1 (3) "Covered application" means the social networking service TikTok or
 2 any successor application or service developed or provided by ByteDance Limited
 3 or an entity owned by ByteDance Limited.

4 (4) "Governmental entity" means the state or any political subdivision.

5 (5) "Public servant" means anyone who is:

6 (a) An elected official or an administrative officer or official of a
 7 governmental entity.

8 (b) Appointed to a post or position created by rule, law, resolution,
 9 ordinance, charter, or executive order.

10 (c) Employed by an agency, officer, or official of a governmental entity.

11 §1472. Prohibited use of state computers and networks

12 A.(1) The office of technology services shall develop a policy, subject to the
 13 approval of the Joint Legislative Committee on Technology and Cybersecurity, to
 14 prohibit the use of any covered application on any computer, device, or network
 15 owned or leased by the state.

16 (2) The office of technology services shall notify the agency head of each
 17 executive branch agency of the policy developed and approved pursuant to this
 18 Subsection when the office becomes aware that the agency is in possession of a
 19 computer, device, or network owned or leased by the state and shall make the policy
 20 available to any agency upon request by the agency.

21 (3) The agency head of an executive branch agency using a computer,
 22 device, or network owned or leased by the state shall ensure that the agency properly
 23 implements the policy developed pursuant to this Subsection.

24 B. The supreme court shall develop and implement a policy to prohibit the
 25 use of any covered application on any computer, device, or network owned or leased
 26 by the state and used by a judicial branch agency. The policy shall be substantially
 27 similar to the policy adopted and approved pursuant to Subsection A of this Section.

1 C. The Joint Legislative Committee on Technology and Cybersecurity shall
2 develop a policy to prohibit the use of any covered application on any computer,
3 device, or network owned or leased by the state and used by a legislative branch
4 agency. The policy shall be substantially similar to the policy adopted and approved
5 pursuant to Subsection A of this Section. The Legislative Budgetary Control Council
6 shall oversee the implementation of the policy.

7 D. Any policy developed pursuant to this Section shall not prohibit a public
8 servant from any of the following:

9 (1) Unrestricted access to a covered application for a legitimate scientific,
10 educational, or law enforcement purpose as determined and approved by the public
11 servant's agency prior to the public servant's access to the covered application.

12 (2) Unfiltered or unrestricted access to a covered application on a computer,
13 device, or network that is not owned or leased by the state, provided the public
14 servant does not use the computer, device, or network to access a covered application
15 in the course and scope of his public service.

16 §1473. Penalties

17 An agency head who fails to properly implement a policy developed and
18 approved pursuant to this Chapter shall be subject to a civil penalty not to exceed
19 five hundred dollars per violation. The agency head shall be personally liable for the
20 payment of the penalty. The civil penalty may be recovered by the state in a civil
21 action instituted by the attorney general.

22 §1474. Exceptions

23 The provisions of this Chapter shall not apply to networks that are open and
24 available for public access.

25 Section 2. The office of technology services shall develop the policy provided for
26 in this Act and submit it to the Joint Legislative Committee on Technology and
27 Cybersecurity no later than August 23, 2023.

1 Section 3. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____