

2024 Regular Session

HOUSE BILL NO. 768

BY REPRESENTATIVE FARNUM

PUBLIC RECORDS: Provides relative to custodian liability for public records requests

1 AN ACT

2 To amend and reenact R.S. 44:35(E), relative to the Public Records Law; to provide relative  
3 to enforcement proceedings; to eliminate the personal liability of the custodian; and  
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 44:35(E) is hereby amended and reenacted to read as follows:

7 §35. Enforcement

8 \* \* \*

9 E.~~(1)~~ If the court finds that the custodian arbitrarily or capriciously withheld  
10 the requested record or unreasonably or arbitrarily failed to respond to the request  
11 as required by R.S. 44:32, it may award the requestor any actual damages proven by  
12 him to have resulted from the actions of the custodian except as hereinafter provided.  
13 In addition, if the court finds that the custodian unreasonably or arbitrarily failed to  
14 respond to the request as required by R.S. 44:32 it may award the requestor civil  
15 penalties not to exceed one hundred dollars per day, exclusive of Saturdays,  
16 Sundays, and legal public holidays for each such day of such failure to give  
17 notification.

18 ~~(2) The custodian shall be personally liable for the payment of damages~~  
19 ~~pursuant to Paragraph (1) of this Subsection and shall be liable in solido with the~~  
20 ~~public body for the payment of the requestor's attorney fees and other costs of~~

