

2024 Regular Session

HOUSE BILL NO. 669

BY REPRESENTATIVE BOYD

COURTS: Provides relative to judicial security

1 AN ACT

2 To enact R.S. 44:11.2, relative to public records; to provide for definitions; to provide
3 relative to the judicial administrator of the supreme court; to provide for limited
4 access to personal information for protected individuals; to provide for injunctive or
5 declaratory relief and attorney fees or damages; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 44:11.2 is hereby amended enacted to read as follows:

8 §11.2. Limited access to personal information for protected individuals

9 A. As used in this Section, the term "protected individual" shall mean:

10 (1) A current or retired justice or judge of any court established under the
11 Constitution of Louisiana.

12 (2) A current or retired justice or judge of a federal court, including a United
13 States Bankruptcy Court, domiciled in the state.

14 (3) A current or retired magistrate appointed by a circuit court of the state.

15 (4) A current or retired United States Magistrate judge domiciled in the state.

16 (5) A current or retired commissioner or hearing officer of any district court
17 in the state.

18 (6) A current or retired clerk of court of any court established under the
19 Constitution of Louisiana.

1 (7) A current or retired clerk of court of any federal court, including a United
2 States Bankruptcy Court, domiciled in the state.

3 (8) A spouse, child, dependent, or any person who resides in the household
4 of an individual described in Paragraphs (1) through (7) of this Subsection.

5 B. As used in this Section, the term "personal information" shall mean:

6 (1) Home address.

7 (2) Home telephone number.

8 (3) Mobile telephone number.

9 (4) Personal email address.

10 (5) Social Security number.

11 (6) Driver's license number.

12 (7) Federal tax identification number.

13 (8) Bank account number, including checking and savings accounts.

14 (9) Credit or debit card number.

15 (10) License plate number or unique identifier of a vehicle.

16 (11) Birth or marital record.

17 (12) Name of a child.

18 (13) School or daycare of a child.

19 (14) Place of worship.

20 (15) Employment location of a spouse, child, or dependent.

21 C. As used in this Section, the term "publish" shall mean to publicly post or
22 display personal information of a protected individual on the internet.

23 D. As used in this Section, the term "governmental entity" shall mean an
24 executive agency, as defined by Louisiana law, and any parish, local, or municipal
25 governing body, or regulatory body, and any "governmental entity" in the judicial
26 branch or legislative branch.

27 E. A protected individual, or the judicial administrator's office on behalf of
28 a protected individual, may request that a governmental entity or third party:

29 (1) Not publish the protected individual's personal information.

1 (2) Remove the protected individual's personal information from any
2 existing publication.

3 (3) A request made under this Section shall:

4 (a) Be in writing.

5 (b) Be sent by certified mail or by email.

6 (c) Provide sufficient information to confirm that the requester is a protected
7 individual, except as provided in Subsection E of this Section.

8 (4) Identify the document, posting, or other publication containing the
9 personal information.

10 F. A request made by the judicial administrator's office certifies that a
11 requester is a protected individual, and no further information may be required to
12 confirm that the requester is a protected individual.

13 G.(1) Not later than five days after receiving a request as provided by
14 Subsection D of this Section, a governmental entity shall acknowledge receipt of the
15 request in writing by certified mail or by email and take steps reasonably necessary
16 to ensure that the personal information is not published.

17 (2) If the personal information is already published, provide for the removal
18 of the personal information within seventy-two hours after receipt of the request.

19 H. On receipt of a request under Subsection D of this Section, a third party
20 to whom a request is made shall:

21 (1) Provide for the removal of the personal information within seventy-two
22 hours after receipt of the request.

23 (2) Notify the protected individual or the judicial administrator's office by
24 certified mail or by email of the removal.

25 I. A protected individual or the judicial administrator's office may bring an
26 action for a violation of this Section against a governmental entity or third party for:

27 (1) Declaratory relief.

28 (2) Injunctive relief.

29 (3)(a) Reasonable attorney fees.

1 (b) For a third party, an action for a violation of this Section may also be
2 brought for damages incurred as a result of a violation of this Section.

3 (4) In addition to the relief provided in Paragraphs (1) through (3) of this
4 Subsection, if a court finds that a person willfully refused to provide for the removal
5 of personal information knowing that the individual on behalf of whom the request
6 was made was a protected individual, the court may award punitive damages.

7 J. A person shall not knowingly publish the personal information of a
8 protected individual if he knows or reasonably should know that publishing the
9 personal information poses an imminent and serious threat to the protected
10 individual, and the publishing of the personal information results in:

11 (1) An assault in any degree.

12 (2) Harassment.

13 (3) Trespass.

14 (4) Malicious destruction of property.

15 K. A person who violates this Section is guilty of a misdemeanor and on
16 conviction is subject to imprisonment not exceeding eighteen months or a fine not
17 exceeding five thousand dollars, or both.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 669 Engrossed

2024 Regular Session

Boyd

Abstract: Restricts access to the personal information of protected individuals.

Proposed law provides for definitions.

Proposed law permits a protected individual or the judicial administrator's office on behalf of a protected individual to request a governmental entity or third party to remove a judge's personal information.

Proposed law requires that a request to not publish the protected individual's personal information or to remove the protected individual's personal information from any existing publication be in writing and sent by certified mail or email. Provides further that the request provide sufficient information to confirm that the requester is a protected individual unless the request is made by the judicial administrator's office.

Proposed law provides that not later than five days after receiving a request as provided by proposed law a governmental entity shall promptly acknowledge receipt of the request in writing by certified mail or by email and take steps reasonably necessary to ensure that the personal information is not published. Provides for the removal of the personal information within 72 hours after receipt of the request if the personal information is already published.

Proposed law provides that a third party to whom a request is made shall provide for the removal of the personal information within 72 hours after receipt of the request and notify the protected individual or the judicial administrator's office by certified mail or by email of the removal.

Proposed law provides for injunctive or declaratory relief, together with attorney fees for violations of proposed law by a governmental entity. Provides for injunctive or declaratory relief, together with attorney fees or damages incurred as a result of a violation of proposed law by third parties.

Proposed law provides that in addition to the relief provided by proposed law, if a court finds that a person willfully refused to provide for the removal of personal information knowing that the individual on behalf of whom the request was made was a protected individual, the court may award punitive damages.

Proposed law provides that a person shall not knowingly publish the personal information of a protected individual if he knows or reasonably should know that publishing the personal information poses an imminent and serious threat to the protected individual, and the publishing of the personal information results in:

- (1) An assault in any degree.
- (2) Harassment.
- (3) Trespass.
- (4) Malicious destruction of property.

Proposed law provides that a person who violates proposed law is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding eighteen months or a fine not exceeding \$5,000, or both.

(Adds R.S. 44:11.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Make technical changes.
2. Add the definition of "publish".