

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 410****2026 Regular Session****Schlegel**

CIVIL/PROCEDURE: Requires notification of all parties to record in-person communication

Synopsis of Senate Amendments

1. Condenses legislative purpose and findings.
2. Includes videoing of direct conversations in addition to recordings or transcriptions.
3. Specifies that the portable device is a wearable eyeglass recording device used to video, record, or transcribe a direct conversation.
4. Expands the exception to the videoing, recording, or transcription of a public official to include videos, recordings, or transcription made for the purpose of preserving evidence related to a public corruption or malfeasance in office.
5. Expands the exceptions to include recordings or transcriptions made by a participant in his own place of business, place of employment, vehicle, or employer's vehicle.
6. Specifies that proposed law does not apply to incidental, unintended, or background capture of individuals or conversations occurring in public places where the videoing and recording are not specifically directed at the individuals.
7. Requires a claimant to demonstrate actual damages suffered from intentional unlawful videoing and recording and dissemination.
8. Makes technical changes.

Digest of Bill as Finally Passed by Senate

Proposed law outlines legislative intent and defines "direct conversation", "first responder activity", "law enforcement activity", and "public or semi-public meetings".

Proposed law prohibits a person from intentionally using portable wearable eyeglasses to video and record or transcribe a direct conversation with another party unless all participants of the conversation are specifically notified that the conversation is being videoed and recorded or transcribed.

Proposed law does not apply to the following:

- (1) Public or semi-public meetings.
- (2) Law enforcement activity.
- (3) Emergencies or first responder activity.
- (4) Recordings or transcriptions of a public official made in any of the following manners:
 - (a) Of a public official performing an official duty in a public place where there is no reasonable expectation of privacy.

- (b) For the purpose of preserving evidence related to a public corruption crime as defined in present law (R.S. 11:293).
- (c) For the purpose of preserving evidence related to malfeasance in office as provided in present law (R.S. 14:134).
- (5) A person who videos and records a law enforcement officer in the performance of his official duties while the officer is in a public place or a place where the private person has a legal right to be. This exception does not extend to an individual who physically interferes or materially obstructs lawful law enforcement activity.
- (6) Videos and recordings or transcriptions of a direct conversation made for the purpose of preserving evidence related to an actual or anticipated civil or administrative proceeding.
- (7) Videos and recordings or transcriptions of a direct conversation made for the purpose of preserving evidence related to a criminal act or proceeding.
- (8) Videos and recordings or transcriptions of a direct conversation made by a participant in his own residence.
- (9) Recordings or transcriptions made by a participant in his own place of business or employment.
- (10) Recordings or transcriptions made by a participant in his own vehicle or his employer's vehicle.
- (11) Videos and recordings or transcriptions of a conversation if the person recording or transcribing the conversation is not a participant.

Proposed law does not limit, modify, expand, or supersede the provisions of the Electronic Surveillance Act as provided for in present law (R.S. 15:1301-1318).

Proposed law does not apply to incidental, unintended, or background capture of individuals or conversations occurring in public places where the recording is not specifically directed at the individuals.

Proposed law requires the payment of court costs and reasonable attorney fees of a person who violates proposed law.

Proposed law requires a claimant to demonstrate actual damages resulting from intentional unlawful recording or dissemination.

(Adds R.S. 9:2790.1-2790.4)