

Regular Session, 2013

HOUSE BILL NO. 244

BY REPRESENTATIVE LORUSSO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LAW ENFORCE/OFFICERS: Provides with respect to release of personal information of law enforcement officers

1 AN ACT

2 To amend and reenact R.S. 40:2532, relative to the release of personal information of law
3 enforcement officers; to prohibit the release of certain personal information without
4 written consent of the law enforcement officer; to provide for notification
5 requirements by the custodian and the officer regarding a pending release and a
6 review period by the officer; to provide for civil damages related to the release of
7 confidential or protected information for a law enforcement officer; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:2532 is hereby amended and reenacted to read as follows:

11 §2532. Release of personal information

12 A. No person, agency, or department having custody or control of a law
13 enforcement agency's records shall release ~~to the news media, press or any other~~
14 ~~public information agency;~~ a law enforcement officer's home address, telephone
15 number, photograph, social security number, or any information that may be deemed
16 otherwise confidential, without the express written consent of the law enforcement
17 officer, ~~with respect to an investigation of the law enforcement officer.~~

18 B. Prior to the release of any personnel or disciplinary file of a law
19 enforcement officer by any person, agency, or department having custody or control
20 of such file, in response to a public records request, the person, agency, or

1 department shall notify the affected law enforcement officer of the pending release
 2 and allow the law enforcement officer at least seventy-two hours to review the files
 3 to ascertain and verify that no information is to be released which may be protected
 4 pursuant to this Section or any other provision of law or local ordinance.

5 C. If the law enforcement officer finds that confidential or protected
 6 information is proposed to be released, the law enforcement officer shall notify the
 7 custodian in writing prior to the expiration of the seventy-two-hour reviewing period.

8 D. Any person having custody or control of a law enforcement agency's
 9 records who releases records or files found to be confidential or protected pursuant
 10 to this Section or any provision of law or local ordinance shall be personally liable
 11 for civil damages and shall be liable in solido with the custodian's employing agency
 12 or department for payment of the law enforcement officer's attorney fees and other
 13 costs of litigation resulting from such release.

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)]

Lorusso

HB No. 244

Abstract: Prohibits the release of a law enforcement agency's records regarding personal information without consent of the officer and further provides for the procedures and damages associated with the release of such information.

Present law prohibits any person, agency, or department from releasing to the news media, press, or other public information agency, a law enforcement officer's home address, photograph, or any confidential information without the written consent of the law enforcement officer when the officer is under investigation.

Proposed law prohibits any person, agency, or department having custody or control of a law enforcement agency's records from releasing a law enforcement officer's home address, telephone number, photograph, social security number, or any other confidential information without the written consent of the officer.

Proposed law requires any person, agency, or department to notify the officer prior to the release of any personnel or disciplinary file of an officer and allows the officer at least 72 hours to review the files and determine that protected information will not be released.

Proposed law requires the officer to notify, in writing, the custodian of records within the 72-hour review period that confidential or protected information is proposed to be released.

Proposed law provides that any person who releases records or files that are found to be confidential or protected under proposed law or other provisions of law or local ordinances

shall be personally liable for civil damages and liable in solido with the custodian's employing agency or department for payment of the officer's attorney fees and litigation costs.

(Amends R.S. 40:2532)