

Regular Session, 2014

HOUSE BILL NO. 616

BY REPRESENTATIVE ABRAMSON

1 AN ACT

2 To amend and reenact R.S. 44:35(A) and (D), relative to public records; provides with
3 respect to in-person, written, and electronic requests for a public record; to provide
4 an enforcement mechanism if the custodian fails to respond to a written or electronic
5 request within a certain number of days; to assign costs and attorney fees against the
6 custodian in certain cases; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 44:35(A) and (D) are hereby amended and reenacted to read as
9 follows:

10 §35. Enforcement

11 A. Any person who has been denied the right to inspect, ~~or copy,~~ reproduce,
12 or obtain a copy or reproduction of a record under the provisions of this Chapter,
13 either by a ~~final~~ determination of the custodian or by the passage of five days,
14 exclusive of Saturdays, Sundays, and legal public holidays, from the date of his in-
15 person, written, or electronic request without receiving a ~~final~~ determination in
16 writing by the custodian or an estimate of the time reasonably necessary for
17 collection, segregation, redaction, examination, or review of a records request, may
18 institute proceedings for the issuance of a writ of mandamus, injunctive or
19 declaratory relief, together with ~~attorney's~~ attorney fees, costs and damages as
20 provided for by this Section, in the district court for the parish in which the office of
21 the custodian is located.

22 * * *

23 D. If a person seeking the right to inspect, copy, or reproduce a record or to
24 receive or obtain a copy or reproduction of a public record prevails in such suit, he

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 shall be awarded reasonable ~~attorney's~~ attorney fees and other costs of litigation. If
2 such person prevails in part, the court may in its discretion award him reasonable
3 ~~attorney's~~ attorney fees or an appropriate portion thereof.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____