

**SENATE COMMITTEE AMENDMENTS**

2024 Regular Session

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 768 by Representative Farnum

1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 44:35(E)(1)" to "R.S. 44:35(E)"

3 AMENDMENT NO. 2

4 On page 1, line 3, after "proceedings;" delete the remainder of the line and delete line 4 and  
5 insert "to limit personal liability for failure to comply; and to"

6 AMENDMENT NO. 3

7 On page 1, line 7, change "R.S. 44:35(E)(1)" to "R.S. 44:35(E)"

8 AMENDMENT NO. 4

9 On page 1, delete lines 18 through 22 and insert the following:

10 "notification.

11 (2) ~~The custodian shall be personally liable for the payment of damages~~  
12 ~~pursuant to Paragraph (1) of this Subsection and shall be liable in solido with the~~  
13 ~~public body for the payment of the requestor's attorney fees and other costs of~~  
14 ~~litigation, except where the custodian has withheld or denied production of the~~  
15 ~~requested record or records on advice of the legal counsel representing the public~~  
16 ~~body in which the office of such custodian is located, and in the event the custodian~~  
17 ~~retains private legal counsel for his defense or for bringing suit against the requestor~~  
18 ~~in connection with the request for records, the court may award attorney fees to the~~  
19 ~~custodian. No person shall be personally liable for any penalty provided in this~~  
20 ~~Chapter, including damages, civil penalties, attorney fees, and other costs of~~  
21 ~~litigation assessed for failure to comply with this Section. In all instances in which~~  
22 ~~a penalty is assessed, the public body shall be responsible for such penalties.~~

23 \* \* \*

24 Section 2. This Act shall become effective upon signature by the governor  
25 or, if not signed by the governor, upon expiration of the time for bills to become law  
26 without signature by the governor, as provided by Article III, Section 18 of the  
27 Constitution of Louisiana. If vetoed by the governor and subsequently approved by  
28 the legislature, this Act shall become effective on the day following such approval."