

Regular Session, 2014

HOUSE BILL NO. 616

BY REPRESENTATIVE ABRAMSON

PUBLIC RECORDS: Provides relative to public records requests

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 necessary for examination or
17 review of a burdensome records request, may institute proceedings for the issuance
18 of a writ of mandamus, injunctive or declaratory relief, together with ~~attorney's~~

a public record in addition to a person seeking the right to inspect or receive a copy of a public record.

(Amends R.S. 44:35(A) and (D))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Removes provisions of proposed law that would have repealed present law provisions allowing a person to institute an enforcement action before the expiration of five days upon receiving a final determination of the custodian denying the request.
2. Adds provisions expressly providing that proposed law applies to electronic requests.
3. Adds provisions providing that the right to institute an enforcement action does not apply if the requestor within five days of the date of the request receives an estimate of the time necessary for examination or review of a burdensome records request.