HLS 12RS-1206 ORIGINAL

Regular Session, 2012

HOUSE BILL NO. 699

1

BY REPRESENTATIVE STUART BISHOP

PUBLIC RECORDS: Provides that certain electronic mail addresses obtained through certain corporate and association filings are confidential

AN ACT

2	To enact R.S. 12:2.1 and R.S. 44:4.1(B)(37), relative to the confidentiality of certain
3	records; to provide that certain electronic mail addresses obtained through certain
4	corporate and association filings are confidential; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. This Act shall be known and may be cited as "The Business Identity Theft
7	Prevention Act".
8	Section 2. R.S. 12:2.1 is hereby enacted to read as follows:
9	§2.1 Electronic mail addresses; confidentiality
0	Any electronic mail addresses submitted to or captured by the secretary of
1	state pursuant to the provisions of this Title shall be confidential.
12	Section 3. R.S. 44:4.1(B)(37) is hereby enacted to read as follows:
13	§4.1. Exceptions
14	* * *
15	B. The legislature further recognizes that there exist exceptions, exemptions,
16	and limitations to the laws pertaining to public records throughout the revised
17	statutes and codes of this state. Therefore, the following exceptions, exemptions, and
18	limitations are hereby continued in effect by incorporation into this Chapter by
19	citation:
20	* * *

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 (37) R.S. 12:2.1

2 * * *

3 Section 4. This Act shall become effective upon signature by the governor or, if not

4 signed by the governor, upon expiration of the time for bills to become law without signature

5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

6 vetoed by the governor and subsequently approved by the legislature, this Act shall become

7 effective on the day following such approval.

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)]

Stuart Bishop HB No. 699

Abstract: Creates "The Business Identity Theft Prevention Act" and provides that certain electronic mail addresses obtained through certain corporate and association filings with the secretary of state are confidential.

<u>Present law</u> (Public Records Law, R.S. 44:1, et seq.) provides that certain documents, data, and information, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state, are "public records". <u>Present law</u> establishes the framework for the ready availability of public records to requesting persons, and specifically provides that it is the duty of the custodian of the public records for a public entity or agency to provide copies to persons so requesting. <u>Present law</u> provides for certain exceptions, exemptions, and limitations.

<u>Proposed law</u> provides that any electronic mail addresses submitted to or captured by the secretary of state pursuant to the provisions of <u>present law</u> (Title 12 of the Louisiana Revised Statutes of 1950) shall be confidential. and recognizes the limitation on such electronic mail addresses in the Public Records Law. <u>Proposed law</u> provides that <u>proposed law</u> shall be known and may be cited as "The Business Identity Theft Prevention Act".

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 12:2.1 and R.S. 44:4.1(37))