

Regular Session, 2012

HOUSE BILL NO. 791

BY REPRESENTATIVE ST. GERMAIN

PUBLIC RECORDS: Provides relative to the confidentiality of certain public records

1 AN ACT

2 To enact R.S. 44:42, relative to public records; to provide relative to the confidentiality of
3 certain records; to provide that certain confidential records become accessible to the
4 public after a certain number of years; to provide exceptions; to provide for
5 effectiveness; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 44:42 is hereby enacted to read as follows:

8 §42. Access to certain records

9 Notwithstanding any provision of law to the contrary, a public record
10 accessioned by the division of archives, records management, and history in the
11 Department of State deemed to be confidential shall no longer be considered
12 confidential and shall be accessible to the public after one hundred years from the
13 date of its creation. This Section shall not apply to a record whose disclosure is
14 prohibited by court order or federal law.

15 Section 2. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 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)]

St. Germain

HB No. 791

Abstract: Provides that a confidential record required to be permanently retained becomes accessible to the public 100 years after its creation unless disclosure of the record is prohibited by court order or federal law.

Present law provides that all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, 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 this 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 this state, are "public records", except as otherwise provided in present law (R.S. 44:1 et seq. or the Const. of La.). Requires certain public records to remain confidential. Provides requirements for retention of certain public records by persons and public bodies having custody or control of such records.

Proposed law provides that notwithstanding any provision of present law to the contrary, a public record accessioned (owned) by the state archives deemed to be confidential shall no longer be considered confidential and shall be accessible to the public after 100 years from the date of its creation. Provides that proposed law shall not apply to a record whose disclosure is prohibited by court order or federal law.

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

(Adds R.S. 44:42)