

SENATE BILL NO. 398

BY SENATOR JOHNS

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AN ACT

To amend and reenact R.S. 44:32(C)(1)(a) and to enact R.S. 44:3(A)(8) and (I), relative to public records; to provide for records of law enforcement agencies; to provide for recordings of body-worn cameras; to provide for exceptions; to provide for disclosure; to provide for costs; to provide for the contents of requests; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:32(C)(1)(a) is hereby amended and reenacted and R.S. 44:3(A)(8) and (I) are hereby enacted to read as follows:

§3. Records of prosecutive, investigative, and law enforcement agencies, and communications districts

A. Nothing in this Chapter shall be construed to require disclosures of records, or the information contained therein, held by the offices of the attorney general, district attorneys, sheriffs, police departments, Department of Public Safety and Corrections, marshals, investigators, public health investigators, correctional agencies, communications districts, intelligence agencies, or publicly owned water districts of the state, which records are:

\* \* \*

1                   (8) Video or audio recordings generated by law enforcement officer  
2                   body-worn cameras that are found by the custodian to violate an individual's  
3                   reasonable expectation of privacy.

4                   (a) A body-worn camera is a camera worn on an individual law  
5                   enforcement officer's person that records and stores audio and video.

6                   (b) Body-worn camera video or audio recordings that are determined by  
7                   the custodian to violate an individual's reasonable expectation of privacy shall  
8                   be disclosed upon a determination and order from a court of competent  
9                   jurisdiction pursuant to R.S. 44:35.

10                   (c) All costs of production associated with a court ordered disclosure  
11                   shall be set by the court.

12                   (d) Notwithstanding any provision of this Chapter to the contrary, body-  
13                   worn camera video or audio recordings generated while the law enforcement  
14                   officer is not acting in the scope of his official duties shall not be subject to  
15                   disclosure when the disclosure would violate a reasonable expectation of  
16                   privacy.

17   \*       \*       \*

18                   I. All requests for production of video or audio recordings generated by  
19                   law enforcement officer body-worn cameras shall be incident specific and shall  
20                   include reasonable specificity as to the date, time, location, or persons involved.  
21                   A request for multiple incidents shall include reasonable specificity as to the  
22                   date, time, location, or persons involved in each incident requested. The  
23                   custodian may deny a request not containing reasonable specificity.

24   \*       \*       \*

25                   §32. Duty to permit examination; prevention of alteration; payment for overtime;  
26                   copies provided; fees

27   \*       \*       \*

28                   C.(1)(a) For all public records, except public records of state agencies, it shall  
29                   be the duty of the custodian of such public records to provide copies to persons so  
30                   requesting. The custodian may establish and collect reasonable fees for making

1 copies of public records. **The custodian may request payment of fees in advance**  
2 **of production.** Copies of records may be furnished without charge or at a reduced  
3 charge to indigent citizens of this state.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_