

Regular Session, 2011

HOUSE BILL NO. 538

BY REPRESENTATIVE RICHARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC RECORDS: Provides relative to public records

1 AN ACT

2 To amend and reenact R.S. 44:32(C)(1)(a) and (2), relative to public records; to provide for
3 the availability of public records in specific formats; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 44:32(C)(1)(a) and (2) are hereby amended and reenacted to read as
7 follows:

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

10 * * *

11 C.(1)(a) For all public records, except public records of state agencies, it
12 shall be the duty of the custodian of such public records to provide copies to persons
13 so requesting. Public records may be obtained in any media format in which they
14 exist within the public entity. No request for copies of a public record in a specific
15 medium shall be denied on the grounds that the custodian has made or prefers to
16 make the record available in another medium. The custodian may establish and
17 collect reasonable fees for making copies of public records. Copies of records may
18 be furnished without charge or at a reduced charge to indigent citizens of this state.

19 * * *

1 (2)(a) For all public records of state agencies, it shall be the duty of the
 2 custodian of such records to provide copies to persons so requesting. Public records
 3 may be obtained in any media format in which they exist within the agency. No
 4 request for copies of a public record in a specific medium shall be denied on the
 5 grounds that the custodian has made or prefers to make the record available in
 6 another medium. Fees for such copies shall be charged according to the uniform fee
 7 schedule adopted by the commissioner of administration, as provided by R.S.
 8 39:241.

9 (b) Copies shall be provided at fees according to the schedule, except for
 10 copies of public records the fees for the reproduction of which are otherwise fixed
 11 by law. Copies of records may be furnished without charge or at a reduced charge
 12 to indigent citizens of this state or the persons whose use of such copies, as
 13 determined by the custodian, will be limited to a public purpose, including but not
 14 limited to use in a hearing before any governmental regulatory commission.

* * *

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)]

Richard

HB No. 538

Abstract: Provides for the availability of public records in any format in which they exist in the public entity or agency.

Present law establishes the framework for the ready availability of public records to requesting persons, subject to certain exceptions in present law. Proposed law retains present law.

Present law 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.

Proposed law retains present law and further provides that records may be requested in any media format in which they exist within the public entity or agency. Further provides that a public records request may not be denied by a custodian on the grounds of custodian preference.

(Amends R.S. 44:32(C)(1)(a) and (2))