

2024 Regular Session

HOUSE BILL NO. 768

BY REPRESENTATIVE FARNUM

1 AN ACT

2 To amend and reenact R.S. 44:35(E), relative to the Public Records Law; to provide relative
3 to enforcement proceedings; to limit personal liability for failure to comply; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 44:35(E) is hereby amended and reenacted to read as follows:

7 §35. Enforcement

8 * * *

9 E.(1) If the court finds that the custodian arbitrarily or capriciously withheld
10 the requested record or unreasonably or arbitrarily failed to respond to the request
11 as required by R.S. 44:32, it may award the requestor any actual damages proven by
12 him to have resulted from the actions of the custodian except as hereinafter provided.
13 In addition, if the court finds that the custodian unreasonably or arbitrarily failed to
14 respond to the request as required by R.S. 44:32 it may award the requestor civil
15 penalties not to exceed one hundred dollars per day, exclusive of Saturdays,
16 Sundays, and legal public holidays for each such day of such failure to give
17 notification.

18 ~~(2) The custodian shall be personally liable for the payment of damages~~
19 ~~pursuant to Paragraph (1) of this Subsection and shall be liable in solido with the~~
20 ~~public body for the payment of the requestor's attorney fees and other costs of~~
21 ~~litigation, except where the custodian has withheld or denied production of the~~
22 ~~requested record or records on advice of the legal counsel representing the public~~
23 ~~body in which the office of such custodian is located, and in the event the custodian~~

