

NOTICE OF INTENT

**Office of the Governor
Division of Administration
and
Department of Public Safety and Corrections
Public Safety Services**

Louisiana State Police Video Public Records Requests
(LAC 55:I.903)

In accordance with R.S. 49:5950 et seq., the Department of Public Safety and Corrections, Public Safety Services hereby recognizes circumstances requiring implementation of a Rule relative to State Police video public records. Statistical analyses show a projected increase of public records requests for body-worn camera (BWC) and in-car camera (ICC) video footage. Public Safety Services operating costs increase parallel with the linear trend of increased BWC/ICC requests. Louisiana courts recognize the evolution of technology and a contemporarily developing body of law. *Johnson v. Pineville*, 08-1234, (La. App. 3 Cir. 4/8/09), 9 So.3d 313. In accordance with the provisions of R.S. 49:962, R.S. 39:241, and R.S. 44:32, the Division of Administration, Office of the Commissioner proposes to adopt §903 as a supplement to the Uniform Fee Schedule to provide for State Police video public records.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 9. Photographs and Videos

§903. Videos Related to Louisiana State Police Public Records Requests

A.1. Copies of Louisiana State Police video public records furnished to a person so requesting shall be provided at fees according to the following schedule:

- a. \$10 per video less than or equal to 20 minutes in length;
- b. \$0.50 per minute for videos longer than 20 minutes in length.

2. For purposes of this Section, *minute* includes one full minute, and no charge shall be given based on rounding up any additional seconds between full minute increments.

B. The fee for production of such videos shall be provided to the requester by Louisiana State Police in advance of production.

C. This schedule does not apply to copies of Louisiana State Police video public records requested from another state agency.

D. For the purposes of this Part, Louisiana State Police video public records include but are not limited to: body-worn camera footage retained by Louisiana State Police regardless of law enforcement agency, in-car dash camera video retained by Louisiana State Police regardless of law enforcement agency, and third party videos, including security video, retained by Louisiana State Police.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:241, R.S. 44:32, and R.S. 36:406.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services and Division of Administration, Office of the Commissioner, LR 51:

Family Impact Statement

The effect of this proposed Rule on the stability of the family. This proposed Rule will have no effect on the stability of the family.

The effect of this proposed Rule on the authority and rights of parents regarding the education and supervision of their children. This proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

The effect of this proposed Rule on the functioning of the family. This proposed Rule will have no effect on the functioning of the family.

The effect of this proposed Rule on family earnings and family budget. This proposed Rule will have no effect on family earnings and family budget.

The effect of this proposed Rule on the behavior and personal responsibility of children. This proposed Rule will have no effect on the behavior and personal responsibility of children.

The effect of this proposed Rule on ability of the family or local government to perform the function as contained in the proposed Rule. This proposed Rule will have no effect on the ability of the family or local government to perform the function as contained in the proposed rules.

Poverty Impact Statement

The impact of the proposed Rule on families and children in poverty has been considered and it has been determined that the proposed Rule should not negatively impact household income, assets, and financial security, early childhood development and preschool through postsecondary education development, employment and workforce development, taxes and tax credits, nor child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the proposed Rule on small businesses has been considered, and it is estimated that the proposed action is not expected to have any adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as provided by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. The staffing level requirements or qualifications required to provide the same level of service;
2. The total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments or requests for public hearing on this proposed rule change to Lieutenant Colonel Greg Graphia, Chief Administrative Officer, Louisiana State Police, P.O. Box 66614, Baton Rouge, Louisiana, 70896. The deadline for these comments is 4:30 p.m., February 10, 2025.

Jason Hessick
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Louisiana State Police Video Public
Records Requests**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is not anticipated that state or local government units will incur any costs or savings as a result of this proposed rule.

The Department of Public Safety (DPS) proposes to adopt Section 903 (Videos Related to Louisiana State Police Public Records Requests) of Part I, Chapter 9 of Title 55 (Public Safety) of the Louisiana Administrative Code. Specifically, the proposed rule establishes the following fee schedule for copies of videos related to public records requests.

\$10 per video less than or equal to twenty minutes in length.

\$0.50 per minute for videos longer than 20 minutes in length.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule will have an indeterminable increase on state revenues. Future revenue collections will increase by \$10 per video requested which is less than or equal to twenty minutes in length and \$0.50 for each additional minute for videos longer than 20 minutes in length. In the past twelve months, LSP reports having received approximately 980 public records requests for body-worn camera and video footage and that the average number of videos per request was four. The average length of video requested was 60 minutes. As a result, LSP processed approximately 235,200 minutes of video.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

To the extent that individuals, small businesses, or non-governmental groups request video recordings from body-worn cameras, in-car cameras, and third-party videos pertaining to public records requests, a minimum cost of \$10 per video will be incurred.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Jason Hessick
Assistant Secretary
2501#001

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office