
DIGEST

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HB 380 Reengrossed

2024 Regular Session

Zeringue

Abstract: Provides relative to electronic civil and criminal case filings.

Present law creates the Louisiana Clerks' Remote Access Authority (LCRAA) to provide for infrastructure, governance, standard operating procedures, technology, and training to support a statewide portal for secure remote access by internet users to certain records maintained by LCRAA members, to provide assistance to LCRAA members in procuring, implementing, enhancing, and maintaining equipment, supplies, and services related to technology to facilitate electronic transactions and communications, and to disseminate information to the public, to facilitate the operations of any member during any declared emergency, and to provide for document preservation.

Proposed law retains present law and adds the requirement of maintenance in order to support a statewide portal with a universal interface system for secure remote access by internet users to certain records maintained by LCRAA members.

Proposed law requires every district clerk of court to have the electronic filing system in place no later than Jan. 1, 2026.

Proposed law requires LCRAA to use the filing fee collected by LCRAA to maintain the electronic filing system.

Present law provides for the membership of the LCRAA board.

Proposed law retains present law.

Proposed law requires every clerk of court to submit information regarding electronic filing system capabilities and costs to LCRAA and further requires LCRAA to compile and submit the information to the legislature no later than Jan. 1, 2025.

Present law allows for any document in a civil, traffic, or criminal action to be filed with the clerk of court by facsimile transmission.

Proposed law allows for any document in a civil, traffic, or criminal action to be filed with the clerk of court by facsimile transmission until Jan. 1, 2026.

Present law allows for any document in a civil, traffic, or criminal action to be filed electronically

in accordance with a system established by a clerk of court or LCRAA.

Proposed law requires, beginning Jan. 1, 2026, that all documents in a civil, traffic, or criminal action filed by an attorney be transmitted electronically in accordance with a system established by a clerk of court or LCRAA.

Proposed law requires, beginning Jan. 1, 2027, that all filings as provided in present law and all other provisions of present law filed by an attorney shall be transmitted electronically in accordance with a system established by a clerk of court or by Louisiana Clerks' Remote Access Authority.

Proposed law provides that upon adoption of uniform filing standards by the LCRAA, no clerk of court shall accept a filing not in accordance with the standards, and prohibits including certain private information in the filings.

(Amends R.S. 13:754(A)-(D) and (F) and 850(A), C.C.P. Art. 253(B) and (D), and C.Cr.P. Art. 14.1(A) and (F); Adds C.C.P. Art. 253(I) and C.Cr.P. Art. 14.1(G))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Add the requirement of maintenance in order to support a statewide portal with a universal interface system for secure remote access by internet users to certain records maintained by LCRAA members.
2. Provide that the LCRAA adopt the uniform filing standards.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Add commencement date to filing requirements relative to attorneys.
3. Add requirement to ensure certain private information is not included in the filings.