
SENATE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Senator Morris to Reengrossed House Bill No. 380 by Representative Zeringue

1 AMENDMENT NO. 1

2 On page 7, after line 19, insert the following:

3 "Section 4. Code of Civil Procedure Article 253 is hereby amended and reenacted
4 to read as follows:

5 Art. 253. Pleadings, documents, and exhibits to be filed with clerk

6 A. All pleadings or documents to be filed in an action or proceeding instituted
7 or pending in a court, and all exhibits introduced in evidence, shall be delivered or
8 transmitted to the clerk of the court for such that purpose. The clerk of court shall
9 endorse thereon the fact and date of filing; and shall retain possession thereof for
10 inclusion in the record, or in the files of his the clerk's office, as required by law. The
11 endorsement of the fact and date of filing shall be made upon receipt of the pleadings
12 or documents by the clerk of court and shall be made without regard to whether there
13 are orders in connection therewith to be signed by the court.14 B. (1) The filings as provided in Paragraph A of this Article and all other
15 provisions of this Chapter may be transmitted electronically in accordance with a
16 system established by a the clerk of court, or by Louisiana Clerks' Remote Access
17 Authority. When such a system is established, the The clerk of court shall adopt and
18 implement procedures a system for the electronic filing and storage of any pleading,
19 document, or exhibit, and the official record shall be the electronic record filed with
20 a pleading. A pleading or document filed electronically is deemed filed on the date
21 and time stated on the confirmation of electronic filing sent from the system, if the
22 clerk of court accepts the electronic filing. Public access to electronically filed
23 pleadings and documents shall be in accordance with the rules governing access to
24 paper filings. The clerk of court may convert into an electronic record any pleading,
25 document, or exhibit as set forth in R.S. 44:116. The originals of conveyances shall
26 be preserved by the clerk of court.27 (2) On and after January 1, 2026, all filings as provided in Paragraph A of
28 this Article and all other provisions of this Chapter filed by an attorney shall be
29 transmitted electronically in accordance with a system established by a clerk of court
30 or by Louisiana Clerks' Remote Access Authority. The filer shall be responsible for
31 ensuring private information is not included in filings. No filing shall include the
32 first five digits of any social security number, tax identification numbers, state
33 identification numbers, driver's license numbers, financial account numbers, full
34 dates of birth, or any information protected from disclosure by state or federal law.
35 The clerk of court shall adopt a system for the electronic filing and storage of any
36 pleading, document, or exhibit filed with a pleading. A pleading or document filed
37 electronically is deemed filed on the date and time stated on the confirmation of
38 electronic filing sent from the system, if the clerk of court accepts the electronic
39 filing. Public access to electronically filed pleadings and documents shall be in
40 accordance with the rules governing access to paper filings.41 C. The clerk of court may convert into an electronic record any pleading,
42 document, or exhibit that is filed in paper form. If requested by the filing party, the
43 clerk of court shall return to the filing party the original of any document or exhibit
44 that has been converted into an electronic record.45 D. The official record shall be the electronic record. The original of any filed
46 document or exhibit shall be maintained by the filing party during the pendency of
47 the proceeding and until the judgment becomes final and definitive, unless otherwise
48 provided by law or order of the court. Upon request and reasonable notice, the
49 original document or exhibit shall be produced to the court. Upon reasonable notice,

1 the original document or exhibit shall be made available to the opposing party for
2 inspection.

3 E. Unless otherwise directed by the court, the original of all documents and
4 exhibits introduced or proffered into evidence, submitted with a petition for
5 executory process, or filed in a summary judgment proceeding shall be retained by
6 the clerk of court until the order or judgment becomes final and definitive.

7 ~~€. F. A judge or justice presiding over a court in this state may sign a court~~
8 ~~order, notice, official court document, and other writings required to be executed in~~
9 ~~connection with court proceedings by use of an electronic signature as defined by~~
10 ~~R.S. 9:2602.~~

11 ~~D. Any pleading or document in a traffic or criminal action may be filed with~~
12 ~~the court by facsimile transmission in compliance with the provision of the Code of~~
13 ~~Criminal Procedure Article 14.1.~~

14 ~~E. The clerk shall not refuse to accept for filing any pleading or other~~
15 ~~document signed by electronic signature, as defined by R.S. 9:2602, and executed~~
16 ~~in connection with court proceedings, or which complies with the procedures for~~
17 ~~electronic filing implemented pursuant to this Article, if any applicable fees for filing~~
18 ~~and transmission are paid, solely on the ground that it was signed by electronic~~
19 ~~signature.~~

20 ~~F. G. If the filing party fails to comply with any requirement of the~~
21 ~~requirements of Paragraph A or B(1) of this Article, the electronic filing shall have~~
22 ~~no force or effect. The district courts A court may provide by court rule for other~~
23 ~~matters related to filings by electronic transmission.~~

24 ~~G. H. The clerk of court may procure equipment, services, and supplies~~
25 ~~necessary to accommodate electronic filings out of the clerk's salary fund.~~

26 ~~H. I. All electronic filings shall include an electronic signature. For the~~
27 ~~purpose of this Article, "electronic signature" means an electronic symbol or process~~
28 ~~attached to or logically associated with a record and executed or adopted by a person~~
29 ~~with the intent to sign the record.~~

30 ~~J. The clerk of court shall not refuse to accept for filing any pleading or other~~
31 ~~document that is signed by electronic signature and executed in connection with~~
32 ~~court proceedings, or that complies with the procedures for electronic filing~~
33 ~~implemented pursuant to this Article, solely on the ground that the pleading or~~
34 ~~document was signed by electronic signature.~~

35 ~~K. Upon adoption of uniform filing standards by the LCRAA, no clerk of~~
36 ~~court shall accept a filing not in accordance with the adopted standards.~~

37 Comments - 2024

38 (a) The amendment to Paragraph B of this Article does not change the rule
39 that the clerk of court has the authority to convert any pleading, document, or exhibit
40 into an electronic record. Nevertheless, unless the court directs otherwise, any
41 original document that has legal efficacy, such as a will, codicil, trust, promissory
42 note, authentic act, affidavit, or exhibit that may necessitate a physical examination
43 by the trier of fact to determine an issue, must be retained by the parties until a final
44 and definitive judgment is rendered. The judgment of a trial court becomes final and
45 definitive when no post-trial motions or appeals are taken from the judgment. The
46 judgment of a court of appeal becomes final and definitive if neither an application
47 to the court of appeal for rehearing nor an application to the supreme court for a writ
48 of certiorari is timely filed. See Article 2166(A). If a writ of certiorari is granted by
49 the supreme court, the judgment of the supreme court becomes final and definitive
50 when the delay for application for rehearing has expired or the application is denied.
51 See Article 2167(B) and (C).

52 (b) The amendment to Paragraph C of this Article clarifies that the clerk of
53 court may convert into an electronic record any pleading, document, or exhibit that
54 is filed in paper form. Even though the original document is converted into an
55 electronic record, the original document may still be needed for examination at a
56 hearing or trial.

57 (c) The amendment to Paragraph E of this Article is new and requires that the
58 original of all documents and exhibits introduced or proffered into evidence,
59 submitted with a petition for executory process, or filed in a summary judgment

1 proceeding be retained by the clerk of court until the order or judgment becomes
2 final and definitive, unless the court otherwise directs. This does not change the law
3 pertaining to the destruction of documents after filing. See, e.g., R.S. 13:917, 1221,
4 1904, and 2562.26 relative to the destruction of useless records.

5 Section 5. Code of Criminal Procedure Article 14.1 is hereby amended and reenacted
6 and Code of Criminal Procedure Article 14.2 is hereby enacted to read as follows:

7 Art. 14.1. Filing of pleadings and documents by facsimile or electronic transmission
8 Electronic filings

9 A. Until January 1, 2026, any document in a traffic or criminal action may
10 be transmitted electronically in accordance with a system established by the clerk of
11 court. The clerk of court shall adopt a system for the electronic filing and storage of
12 any pleading, document, or exhibit other than those documents or exhibits introduced
13 and filed at a hearing or trial. Furthermore, in a court that accepts electronic filings
14 in accordance with this Paragraph, the official record shall be the electronic record.
15 A pleading or document filed electronically is deemed filed on the date and time
16 stated on the confirmation of electronic filing sent from the system, if the clerk of
17 court accepts the electronic filing. Public access to electronically filed pleadings and
18 documents shall be in accordance with the rules governing access to written filings.

19 B. Beginning January 1, 2026, all filings as provided in this Article and all
20 other provisions of this Code filed by an attorney shall be transmitted electronically
21 in accordance with a system established by a clerk of court or by the Louisiana
22 Clerks' Remote Access Authority. The filer shall be responsible for ensuring private
23 information is not included in filings. No filing shall include the first five digits of
24 any social security number, tax identification numbers, state identification numbers,
25 driver's license numbers, financial account numbers, full dates of birth, or any
26 information protected from disclosure by state or federal law. The clerk of court shall
27 adopt a system for the electronic filing and storage of any pleading, document, or
28 exhibit other than those documents or exhibits introduced and filed at a hearing or
29 trial. Furthermore, in a court that accepts electronic filings in accordance with this
30 Paragraph, the official record shall be the electronic record. A pleading or document
31 filed electronically is deemed filed on the date and time stated on the confirmation
32 of electronic filing sent from the system, if the clerk of court accepts the electronic
33 filing. Public access to electronically filed pleadings and documents shall be in
34 accordance with the rules governing access to written filings.

35 C. Upon adoption of uniform filing standards by the LCRAA, no clerk of
36 court shall accept a filing not in accordance with the adopted standards.

37 Art. 14.2. Facsimile filings

38 A. ~~Any~~ Until January 1, 2026, any document in a traffic or criminal action
39 may be filed with the clerk of court by facsimile transmission ~~if permitted by~~
40 pursuant to the policy of the clerk of court. Filing shall be deemed complete at the
41 time the facsimile transmission is received by the clerk of court. No later than on the
42 first business day after receiving a facsimile filing, the clerk of court shall transmit
43 to the filing party via facsimile a confirmation of receipt and include a statement of
44 the fees for the facsimile filing and filing of the original document. The facsimile
45 filing fee and transmission fee are incurred upon receipt of the facsimile filing by the
46 clerk of court and payable as provided in Paragraph B of this Article. The facsimile
47 filing shall have the same force and effect as filing the original document, if the party
48 complies with Paragraph B of this Article.

49 B. Within seven days, exclusive of legal holidays, after the clerk of court
50 receives the facsimile filing, all of the following shall be delivered to the clerk of
51 court:

- 52 (1) The original document identical to the facsimile filing in number of pages
53 and in content of each page, including any attachments, exhibits, and orders. A
54 document that is not identical to the facsimile filing or ~~which~~ that includes pages not
55 included in the facsimile filing shall not be considered the original document.

1 (2) The fees for the facsimile filing and filing of the original document stated
2 on the confirmation of receipt, if any.

3 (3) A transmission fee of five dollars, if the defendant ~~had~~ has not been
4 declared indigent by the court.

5 C. If the filing party fails to comply with any of the requirements of
6 Paragraph B of this Article, the facsimile filing shall have no force or effect.

7 D. ~~Any~~ A court ~~district~~ may provide by court rule for any additional
8 requirement or provisions for filings by facsimile transmission.

9 E. In keeping with the clerk's policy, each clerk of court shall make available
10 the necessary equipment and supplies to accommodate facsimile filing in criminal
11 actions. Purchases for equipment and supplies necessary to accommodate facsimile
12 filings may be funded from any expense fund of the office of the clerk of court as the
13 clerks deem appropriate.

14 F. Upon adoption of uniform filing standards by the LCRAA, no clerk of
15 court shall accept a filing not in accordance with the adopted standards.

16 ~~F. The filings as provided in this Article and all other provisions of this Code~~
17 ~~may be transmitted electronically in accordance with a system established by a clerk~~
18 ~~of court or by the Louisiana Clerks' Remote Access Authority. When such a system~~
19 ~~is established, the clerk of court shall adopt and implement procedures for the~~
20 ~~electronic filing and storage of any pleading, document, or exhibit. Furthermore, in~~
21 ~~a parish that accepts electronic filings covered under this Paragraph, the official~~
22 ~~record shall be the electronic record. A pleading or document filed electronically is~~
23 ~~deemed filed on the date and time stated on the confirmation of electronic filing sent~~
24 ~~from the system, if the clerk of court accepts the electronic filing. Public access to~~
25 ~~electronically filed pleadings and documents shall be in accordance with the rules~~
26 ~~governing access to written filings.~~

27 Section 6.(A) Sections 2 and 3 of this Act shall become effective only if Senate Bill
28 No. 75 of the 2024 Regular Session is not enacted and does not become law.

29 (B) Sections 4 and 5 of this Act shall become effective only if Senate Bill No. 75 of
30 the 2024 Regular Session is enacted and becomes law. If Senate Bill No. 75 of the 2024
31 Regular Session is enacted and becomes law, then the provisions of Sections 4 and 5 of this
32 Act supersede and control to the extent of any conflict between this Act and the Act that
33 originated as Senate Bill No. 75 of the 2024 Regular Session."