

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 75

2024 Regular Session

Morris

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

COURTS. Provides for electronic filing and record retention. (8/1/24)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Specify that an original document or exhibit shall be produced to the court or opposing party upon request or reasonable notice.
2. Require clerks of court to return and preserve original records in a manner provided by proposed law.
3. Provide a protection for clerks of court for any destruction or disposition of records prior to the effective date of proposed law in accordance with the law in effect at the time of the destruction or disposition.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 75 Engrossed

2024 Regular Session

Morris

Present law (C.C.P. Art. 253) provides with respect to the filing of pleadings, documents, and exhibits with the clerk of court, including electronic transmission, electronic conversion, and use of electronic signatures.

Proposed law retains present law and requires the original of any filed document or exhibit to be maintained by the filer during the pendency of the proceeding and to be made available for inspection or production to the court.

Proposed law further requires the original of all documents and exhibits introduced or proffered into evidence, submitted with a petition for executory process, or filed in a summary judgment proceeding to be retained by the clerk of court during the pendency of the proceeding.

Present law (C.C.P. Art. 2853) requires the filing of purported testaments in the record of the succession proceeding.

Proposed law retains present law and makes technical corrections.

Proposed law (C.C.P. Art. 2911) requires permanent retention by the clerks of court of testaments that have been probated or ordered to be filed and executed and provides for the retention of other filed testaments.

Present law (C.Cr.P. Art. 14.1) provides for the filing of pleadings and documents by facsimile or electronic transmission.

Proposed law provides for the electronic transmission of documents in traffic or criminal actions pursuant to the policy of the clerk of court.

Proposed law (C.Cr.P. Art. 14.2) provides for the facsimile transmission of documents in traffic or criminal actions pursuant to the policy of the clerk of court.

Proposed law (R.S. 9:2761) provides for the effectiveness of electronic records as to third persons.

Proposed law (R.S. 9:2762) provides for the recordation of testaments in the conveyance records, including indexing requirements and effectiveness against third persons.

Present law (R.S. 44:116) provides for the reproduction, maintenance, and destruction or return of original records.

Proposed law retains present law and adds exceptions for instruments filed in the conveyance records on or prior to Dec. 31, 2004, and specifies when a clerk of court may destroy any records provided by proposed law.

Proposed law (R.S. 44:117) requires the preservation of originals of instruments filed in the conveyance records, including records that are required to be indexed by the clerk of court.

Present law (R.S. 44:117) provides for the electronic recordation of filings, documents, pleadings, and other written instruments in Lafayette Parish.

Proposed law redesignates certain provisions in present law.

Present law (C.C.P. Art. 258) provides for the electronic filing and recording of written instruments.

Proposed law redesignates certain provisions in present law.

Proposed law provides a protection for clerk of courts for any destruction or disposition of records prior to the effective date of proposed law in accordance with the law in effect at the time of the destruction or disposition.

Effective Aug. 21, 2024.

(Amends C.C.P. Arts. 253 and 2853, C.Cr.P. Art. 14.1, and R.S. 44:116(D) and (E)(1)(intro. para.) and (2); Adds C.C.P. Art. 2911, C.Cr.P. Art. 14.2, R.S. 9:2761 and 2762, and R.S. 44:117; Redesignates C.C.P. Art. 258 and R.S. 44:117)

Thomas L. Tyler
Division Director