

CONFERENCE COMMITTEE REPORT

HB 380

2024 Regular Session

Zeringue

May 29, 2024

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 380 by Representative Zeringue, recommend the following concerning the Reengrossed bill:

1. That the set of Senate Committee Amendments by the Committee on Judiciary A (#3971) be adopted.
2. That the set of Senate Floor Amendments by Senator Morris (#4224) be adopted.
3. That the set of Senate Floor Amendments by Senator Miller (#4265) be adopted.
4. That the following amendments be adopted:

AMENDMENT NO. 1

In Senate Floor Amendment No. 1 by Senator Morris (#4224), on page 2, delete lines 37 through 59 in their entirety and on page 3, delete lines 1 through 4 in their entirety

5. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 2

On page 1, line 3, change "Article 253 (B) and (D)" to "Article 253"

AMENDMENT NO. 3

On page 1, at the end of line 3, change "Article 14.1(A)" to "Article 14.1"

AMENDMENT NO. 4

On page 1, delete line 4 in its entirety and insert "and to enact Code of Criminal"

AMENDMENT NO. 5

On page 1, line 4, delete "Code of Civil Procedure Article 253(I) and"

AMENDMENT NO. 6

On page 1, line 5, change "Article 14.1(G)" to "Article 14.2"

AMENDMENT NO. 7

On page 1, line 8, after the semicolon ";" and before "and" insert "to provide for contingent effectiveness;"

Respectfully submitted,

Representative Jerome Zeringue

Senator Gregory A. Miller

Representative Robby Carter

Senator John C. "Jay" Morris III

Representative Joseph A. Orgeron

Senator Jean-Paul P. Coussan

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 380

2024 Regular Session

Zeringue

Keyword and oneliner of the instrument as it left the House

COURTS: Provides relative to electronic filings

Report adopts Senate amendments to:

1. Change the year that all filings shall be transmitted electronically by the LCRAA from 2027 to 2026.
2. Add provisions relative to the conversion of any documents filed in civil, traffic, and criminal actions and provides for the retention of certain original documents and exhibits by the clerk of court.
3. Decrease the number of members of the board of commissioners.
4. Provide for contingent effectiveness of proposed law.

Report amends the bill to:

1. Remove comments relative to bills authored on recommendation of the Louisiana State Law Institute.
2. Prohibit the clerk of court from refusing to accept for filing certain pleadings and documents solely on the grounds that the pleading or document was signed by electronic signature.
3. Provide that upon adoption of uniform filing standards by the LCRAA, no clerk of court shall accept a filing not in accordance with the adopted standards.
4. Make technical changes.

Digest of the bill as proposed by the Conference Committee

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 but decreases the size of the membership of the board from seven to six members by removing the designee of the La. Banking Assoc.

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 through the system selected by the filing attorney in accordance with the system established by a clerk of court or LCRAA. Provides for the adoption of a system to retain certain original documents and exhibits and permits the conversion of any documents filed in civil, traffic, and criminal actions by the clerk of court.

Proposed law prohibits the clerk of court from refusing to accept for filing any pleading or other document that is signed by electronic signature and executed in connection with court proceedings, or that complies with the procedures for electronic filing implemented pursuant to this Article, solely on the ground that the pleading or document was signed by electronic signature. Provides further that upon adoption of uniform filing standards by the LCRAA, no clerk of court shall accept a filing not in accordance with the adopted standards.

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 through the system selected by the filing attorney in accordance with the system established by a clerk of court or by the LCRAA.

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.

Proposed law provides that Sections 2 and 3 of proposed law shall become effective only if Senate Bill No. 75 of the 2024 Regular Session is not enacted.

Proposed law provides that Sections 4 and 5 of proposed law shall become effective only if Senate Bill No. 75 of the 2024 Regular Session is enacted.

(Amends R.S. 13:754(A)-(D) and (F) and 850(A), C.C.P. Art. 253 , and C.Cr.P. Art. 14.1; Adds C.Cr.P. Art. 14.2)