

RÉSUMÉ DIGEST

ACT 501 (SB 75)

2024 Regular Session

Morris

Existing 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.

New law retains existing 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.

New 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.

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

New law retains existing law and makes technical corrections.

New 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.

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

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

New 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.

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

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

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

New law retains existing 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 new law.

New 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.

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

New law redesignates certain provisions in prior law.

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

New law redesignates certain provisions in prior law.

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

Effective August 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)