

RÉSUMÉ DIGEST

ACT 694 (HB 380)

2024 Regular Session

Zeringue

Existing 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.

New law 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.

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

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

Existing law provides for the membership of the LCRAA board.

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

New 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.

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

New 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.

Existing 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.

New 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.

New 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.

New law requires, beginning Jan. 1, 2027, that all filings as provided in existing law and all other provisions of existing 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.

New 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.

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

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

Effective January 1, 2026.

(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)