

2016 Regular Session

HOUSE BILL NO. 331

BY REPRESENTATIVE GREGORY MILLER

COURTS: Provides with respect to facsimile filings

1 AN ACT

2 To amend and reenact R.S. 13:850(A), (B), and (C) and 2562.25(A), (B), and (C) and Code
3 of Criminal Procedure Article 14.1(A), (B), and (C), relative to the filing of certain
4 documents in civil and criminal court; to provide procedures and requirements for
5 facsimile filing; to provide for the effectiveness of filing; to provide for the payment
6 of filing fees; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:850(A), (B), and (C) and 2562.25(A), (B), and (C) are hereby
9 amended and reenacted to read as follows:

10 §850. Facsimile transmission; filings in civil actions; fees; equipment and supplies

11 A. Any ~~paper document~~ in a civil action may be filed with the clerk of court
12 by facsimile transmission. All clerks of court shall make available for their use
13 equipment to accommodate facsimile filing in civil actions. Filing shall be deemed
14 complete at the time ~~that the facsimile transmission is received and a receipt of~~
15 ~~transmission has been transmitted to the sender~~ by the clerk of court. No later than
16 on the first business day after receiving a facsimile filing, the clerk of court shall
17 transmit to the filing party via facsimile a confirmation of receipt and include the
18 fees for the facsimile filing and filing of the original document. The facsimile filing
19 fee and transmission fee are incurred upon receipt of the facsimile filing by the clerk
20 of court and payable as provided in Subsection B of this Section. The facsimile

1 ~~when filed has~~ filing shall have the same force and effect as filing the original
2 document, if the filing party complies with Subsection B of this Section.

3 B. Within seven days, exclusive of legal holidays, after the clerk of court ~~has~~
4 ~~received the transmission, the party filing the document shall forward the following~~
5 ~~to~~ receives the facsimile filing, all of the following shall be delivered to the clerk of
6 court:

7 (1) The original ~~signed~~ document identical to the facsimile filing in number
8 of pages and in content of each page including any attachments, exhibits, and orders.
9 A document not identical to the facsimile filing or which includes pages not included
10 in the facsimile filing shall not be considered the original document.

11 (2) The ~~applicable filing fee~~ fees for the facsimile filing and filing of the
12 original document stated on the confirmation of receipt, if any.

13 (3) A transmission fee of five dollars.

14 C. If the filing party fails to comply with any of the requirements of
15 Subsection B of this Section, the facsimile filing shall have no force or effect. The
16 various district courts may provide by court rule for other matters related to filings
17 by facsimile transmission.

18 * * *

19 §2562.25. Facsimile transmission; filings in civil actions; fees; equipment and
20 supplies

21 A. Any document in a civil action may be filed with the clerk of court for the
22 First and Second Parish Courts of Jefferson Parish by facsimile transmission. The
23 clerk of court of the parish of Jefferson as the ex officio clerk of court for the First
24 and Second Parish Courts of Jefferson Parish shall make available for his use
25 equipment to accommodate facsimile filing in civil actions. Filing shall be deemed
26 complete at the time that the facsimile transmission is received ~~and a receipt of~~
27 ~~transmission has been transmitted to the sender~~ by the clerk of court. No later than
28 on the first business day after receiving a facsimile filing, the clerk of court shall
29 transmit to the filing party via facsimile a confirmation of receipt and include the

1 fees for the facsimile filing and filing of the original document. The facsimile filing
2 fee and transmission fee are incurred upon receipt of the facsimile filing by the clerk
3 of court and payable as provided in Subsection B of this Section. The facsimile
4 filing ~~when filed has~~ shall have the same force and effect as filing the original
5 document, if the party complies with Subsection B of this Section.

6 B. Within ~~five~~ seven days, exclusive of legal holidays, after the clerk of
7 court ~~has received the transmission, the party filing the document shall forward the~~
8 ~~following to~~ receives the facsimile filing, all of the following shall be delivered to
9 the clerk of court:

10 (1) The original ~~signed~~ document identical to the facsimile filing in number
11 of pages and in content of each page including any attachments, exhibits, and orders.
12 A document not identical to the facsimile filing or which includes pages not included
13 in the facsimile filing shall not be considered the original document.

14 (2) The ~~applicable filing fee~~ fees for the facsimile filing and filing of the
15 original document stated on the confirmation of receipt, if any.

16 (3) A transmission fee of five dollars.

17 C. If the filing party fails to comply with any of the requirements of
18 Subsection B of this Section, the facsimile filing shall have no force or effect. The
19 First and Second Parish Courts of Jefferson Parish may provide by court rule for
20 other matters related to filings by facsimile transmission.

21 * * *

22 Section 2. Code of Criminal Procedure Article 14.1(A), (B), and (C) are hereby
23 amended and reenacted to read as follows:

24 Art. 14.1. Filing of pleadings and documents by facsimile transmission

25 A. Any ~~pleading or document filed in response to~~ a traffic or criminal action
26 may be filed with the clerk of court by facsimile transmission if permitted by the
27 policy of the clerk of court. ~~Upon receipt of the transmission, Filing shall be deemed~~
28 complete at the time the facsimile transmission is received by the clerk of court. No
29 later than on the first business day after receiving a facsimile filing, the clerk of court

1 shall ~~cause~~ transmit to the filing party via facsimile a confirmation of receipt of
 2 ~~transmission to be transmitted to the sender when such~~ and include the fees for the
 3 facsimile filing and filing of the original document. ~~is received in the office of the~~
 4 ~~clerk of court. Such filing shall be deemed complete at the time when the facsimile~~
 5 ~~transmission is received and the receipt of transmission has been transmitted to the~~
 6 ~~sender. When filed, the~~ The facsimile filing fee and transmission fee are incurred
 7 upon receipt of the facsimile filing by the clerk of court and payable as provided in
 8 Subsection B of this Section. The facsimile ~~transmission~~ filing shall have the same
 9 force and effect as filing the original document, if the party complies with Paragraph
 10 B of this Article ~~from which the transmission was made.~~

11 B. Within ~~five~~ seven days, exclusive of legal holidays, after the clerk of
 12 ~~court has received the transmission and the sender has received notification of such~~
 13 ~~receipt, the party filing the facsimile transmitted document shall forward the~~
 14 ~~following~~ receives the facsimile filing, all of the following shall be delivered to the
 15 clerk of court:

16 (1) The original ~~signed~~ document identical to the facsimile filing in number
 17 of pages and in content of each page including any attachments, exhibits, and orders.
 18 A document not identical to the facsimile filing or which includes pages not included
 19 in the facsimile filing shall not be considered the original document.

20 (2) The ~~applicable filing fee~~ fees for the facsimile filing and filing of the
 21 original document stated on the confirmation of receipt, if any.

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

24 C. If a the filing party who has made a filing through facsimile transmission
 25 ~~with the court~~ fails to comply with ~~the provisions of Paragraph B of this Article~~ any
 26 of the requirements of Paragraph B of this Article, the facsimile ~~file~~ filing shall have
 27 no force or effect.

28 * * *

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)]

HB 331 Original

2016 Regular Session

Gregory Miller

Abstract: Provides the requirements for fax filing in civil and criminal courts.

Present law provides that any paper or document in a civil action may be filed with the court by facsimile transmission, and requires all clerks of court to make available for their use equipment to accommodate facsimile filing in civil actions.

Present law provides that filing shall be deemed complete at the time the facsimile transmission is received and a receipt of transmission has been transmitted to the sender by the clerk of court.

Proposed law retains present law but removes the requirement the filing is complete after the clerk of court transmits a receipt.

Proposed law provides that no later than on the first business day after receiving a facsimile filing, the clerk of court shall transmit to the filing party via facsimile a confirmation of receipt and include the fees for the facsimile filing and filing the original document. The facsimile filing fee and transmission fee are incurred upon receipt of the facsimile filing by the clerk of court.

Proposed law provides that the facsimile filing shall have the same force and effect as filing the original document, if the filing party subsequently files the identical original documents within seven days and pays the required fees.

(Amends R.S. 13:850(A), (B), and (C) and 2562.25(A), (B), and (C) and C.Cr.P. Art. 14.1(A), (B), and (C))