

2019 Regular Session

HOUSE BILL NO. 50

BY REPRESENTATIVE MUSCARELLO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS/CITY: Provides relative to the destruction of certain court records in city court

1 AN ACT

2 To amend and reenact R.S. 13:1904(C), (D), and (E) and to repeal R.S. 13:1904.1, relative
3 to court records; to provide relative to the destruction of certain useless records in
4 city court; to authorize all clerks of city courts to destroy certain useless records; to
5 provide for limitations; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:1904(C), (D), and (E) are hereby amended and reenacted to read
8 as follows:

9 §1904. City courts; destruction of useless records; certain courts

10 * * *

11 C. Notwithstanding the provisions of Subsection A to the contrary, ~~the clerk~~
12 ~~of the City Court of Houma, the clerk of the City Court of Ruston, and the clerk of~~
13 ~~the City Court of Lake Charles~~ the clerk of court of any city court may, upon consent
14 of the judge or of the majority of judges if there is more than one city judge and with
15 authorization from the state archivist as provided in R.S. 44:411, destroy records of
16 judicial proceedings involving suits for eviction of tenants and occupants when such
17 records have been deemed by the presiding judge or judges to have no further use or
18 value. However, such proposed destruction shall be authorized only when two years
19 have elapsed from the last date of action on the record or records when the suit is not
20 appealed or two years have elapsed after all appeals are exhausted.

1 D. ~~The clerk of the City Court of Hammond, the clerk of the City Court of~~
2 ~~Houma, the clerk of the City Court of Ruston, and the clerk of the City Court of Lake~~
3 ~~Charles~~ The clerk of court of any city court may, upon consent of the judge or of the
4 majority of judges if there is more than one city judge and with authorization from
5 the state archivist as provided in R.S. 44:411, destroy records of criminal
6 proceedings involving misdemeanor convictions when such records have been
7 deemed by the presiding judge or judges to have no further use or value. However,
8 such proposed destruction shall be authorized only when ten years have elapsed from
9 the date of the judgment of conviction when the conviction is not appealed or two
10 years have elapsed after all appeals are exhausted. The provisions of this Subsection
11 shall not apply to a conviction for operating a vehicle while intoxicated.

12 E. The destruction of criminal records authorized by Subsection D of this
13 Section may occur only after the clerk of court's office has scanned the records and
14 stored them in an electronic format that is in compliance with all rules adopted by
15 the Department of State relative to retention and storage of records or has an
16 approved digital imaging exception pursuant to R.S. 44:39.

17 Section 2. R.S. 13:1904.1 is hereby repealed in its entirety.

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 50 Original

2019 Regular Session

Muscarello

Abstract: Makes the current law regarding the destruction of useless records applicable to all clerks of city courts and adds an approved digital imaging exception for certain criminal history records.

Present law authorizes the clerks of city courts in Houma, Ruston, and Lake Charles to destroy records of judicial proceedings involving suits for eviction of tenants and occupants when such records have been deemed by the presiding judge or judges to have no further use or value.

Present law also authorizes the clerks of city courts in Hammond, Houma, Ruston, and Lake Charles to destroy records of criminal proceedings involving misdemeanor convictions when such records have been deemed by the presiding judge or judges to have no further use or value.

Present law contains similar provisions for the City Court of Baton Rouge.

Proposed law makes present law applicable to all clerks of city courts.

Present law provides that destruction of certain misdemeanor conviction records may occur only after the clerk of court's office has scanned the records and stored them in an electronic format that is in compliance with all rules adopted by the Department of State relative to retention and storage of records.

Proposed law retains present law and adds an approved digital imaging exception.

(Amends R.S. 13:1904(C), (D), and (E); Repeals R.S. 13:1904.1)