

RÉSUMÉ DIGEST

ACT 291 (HB 50)

2019 Regular Session

Muscarello

Existing law authorizes the clerks of city courts 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. Existing law dictates that destruction of such records may only be destroyed when two years have elapsed from the last date of action on the record or records when the suit is not appealed or two years have elapsed after all appeals are exhausted.

Prior law specified that existing law was only applicable to the clerks of city courts of Houma, Ruston, and Lake Charles.

Existing law also authorizes the clerks of city courts 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. Existing law dictates that destruction of such records may only be destroyed when ten years have elapsed from the date of the judgement of conviction when the conviction is not appealed or two years have elapsed after all appeals are exhausted. Existing law does not apply to a conviction of operating a vehicle while intoxicated.

Prior law specified that existing law was only applicable to the clerks of city courts in Baton Rouge, Hammond, Houma, Ruston, and Lake Charles.

New law makes prior law applicable to all clerks of city courts in the state.

Existing 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.

New law retains existing law and adds an exception for digital imaging utilized and approved pursuant to existing law.

Effective August 1, 2019.

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