DIGEST

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HB 46 Original   2020 Second Extraordinary Session   James

Abstract: Requires certain eviction records to be sealed and prohibits the dissemination of sealed eviction records in certain circumstances and during the COVID-19 declared state of emergency.

Present law (R.S. 13:917, 1904, 2562.26) provides for the destruction of eviction records after ten years elapses from the last date of action in district and city courts other than Orleans, as well as the First and Second Parish Court for Jefferson Parish. Further provides that no cause of action shall exist for any clerk or judge for the destruction of such records.

Present law (R.S. 13:1221) provides for the destruction of useless records with consent of the majority of judges and authorization from the state archivist in the Parish of Orleans District Court.

Proposed law (R.S. 13:917.1, 1221.1, 1904.1, 2166.1, 2562.28, and 2563.18) retains present law but requires the clerk of court to seal all eviction records at the time of filing and provides for exceptions.

Proposed law requires certain eviction records to remain sealed except for a one-year period commencing on the first day of the month following the signing of the judgment.

Proposed law (C.C.P. 4918) prohibits justice of the peace courts from disseminating eviction proceeding records subject to the declared state of emergency seal as provided by proposed law (R.S. 13:917.2).

Proposed law (R.S. 13:917.2, 1221.2, 1904.2, 2166.2, 2562.29, and 2563.19) provides that evictions ordered between March 16, 2020, and August 1, 2020, for nonpayment of rent or in favor of the landlord-petitioner for reasons other than tenant-respondent violation, shall be sealed.

(Amends C.C.P. 4918; Adds R.S. 13:917.1, 917.2, 1221.1, 1221.2, 1904.1, 1904.2, 2166.1, 2166.2, 2562.28, 2562.29, 2563.18, and 2563.19)