

2021 Regular Session

HOUSE BILL NO. 507

BY REPRESENTATIVE CREWS

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

COURTS/CRIMINAL: Provides for electronic filing in criminal cases

1 AN ACT

2 To enact Code of Criminal Procedure Article 14.1(F), relative to electronic filing in criminal
3 cases; to authorize clerks of court to accept electronic filings; to provide for the
4 adoption and implementation of procedures for electronic filing; to provide for
5 public access to electronically filed pleadings and documents; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 14.1(F) is hereby enacted to read as
9 follows:

10 Art. 14.1. Filing of pleadings and documents by facsimile or electronic transmission

11 * * *

12 F. The filings as provided in this Article and all other provisions of this Code
13 may be transmitted electronically in accordance with a system established by a clerk
14 of court or by the Louisiana Clerks' Remote Access Authority. When such a system
15 is established, the clerk of court shall adopt and implement procedures for the
16 electronic filing and storage of any pleading, document, or exhibit. Furthermore, in
17 a parish that accepts electronic filings covered under this Paragraph, the official
18 record shall be the electronic record. A pleading or document filed electronically is
19 deemed filed on the date and time stated on the confirmation of electronic filing sent
20 from the system, if the clerk of court accepts the electronic filing. Public access to

1 electronically filed pleadings and documents shall be in accordance with the rules
2 governing access to written filings.

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 507 Engrossed

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Crews

Abstract: Authorizes electronic filings in criminal cases.

Present law (C.Cr.P. Art. 14.1) provides that any document in a traffic or criminal action may be filed with the clerk of court by facsimile transmission if permitted by the policy of the clerk of court.

Present law provides that a filing shall be deemed complete at the time the facsimile transmission is received by the clerk of court and provides additional requirements for facsimile filing.

Present law provides that if the filing party fails to comply with any of the requirements of present law, the facsimile filing shall have no force or effect.

Present law provides that each clerk of court shall make available the necessary equipment and supplies to accommodate facsimile filing in criminal actions.

Present law (C.C.P. Art. 253(B)) provides that civil court filings may be transmitted electronically in accordance with a system established by a clerk of court or by the La. Clerks' Remote Access Authority, and further provides that when such a system is established, the clerk of court shall adopt and implement procedures for the electronic filing and storage of any pleading, document, or exhibit.

Present law (C.C.P. Art. 253(B)) provides that the official record shall be the electronic record, and that a pleading or document filed electronically is deemed filed on the date and time stated on the confirmation of electronic filing sent from the system, if the clerk of court accepts the electronic filing.

Proposed law retains present law and adopts for criminal court filings the same authorization as for present law civil court electronic filings.

(Adds C.Cr.P. Art. 14.1(F))