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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Lebra R. Bias.

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DIGEST

SB 440 Original

2022 Regular Session

Morris

Present law (R.S. 13:850(A)), provides that any document in a civil action may be filed with the clerk of court by facsimile transmission. Proposed law retains present law.

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

Proposed law changes present law by providing that the filing shall be deemed complete at the time the facsimile transmission is received in the office of the clerk of court.

Proposed law provides that the date and time in which the facsimile transmission is received in the clerk's of court office shall be stamped on the facsimile filing.

Present law further provides that the clerk of court shall transmit to the filing party via facsimile a confirmation of receipt and include a statement of the fees for the facsimile filing and filing of the original document, no later than on the first business day after receiving a facsimile filing. Proposed law retains present law.

Present law provides that the facsimile filing fee and transmission fee are incurred upon receipt of the facsimile filing by the clerk of court.

Proposed law changes present law by providing that the facsimile filing fee and transmission fee are incurred upon receipt of the facsimile filing in the office of 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 complies with present law. Proposed law retains present law.

Present law provides that all pleadings or documents to be filed in an action or proceeding instituted or pending in a court, and all exhibits introduced in evidence, shall be delivered to the clerk of the court, and that the clerk shall endorse thereon the fact and date of filing, and shall retain possession thereof for inclusion in the record, or in the files of his office, as required by present law. Present law further provides that the endorsement of the fact and date of filing shall be made upon receipt of the pleadings or documents by the clerk and shall be made without regard to whether there are orders in connection therewith to be signed by the court. Proposed law retains present law.

Proposed law provides that an electronic confirmation of the facsimile filing evidencing the date and time and any additional proof thereof, submitted by the filing party shall be prima facie proof of the filing.

Present law (C.C.P. Art. 253(B)), provides that the filings as provided in present law may be transmitted electronically in accordance with a system established by a clerk of court or by La. Clerks Remote Access Authority, and 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 further provides that the official record shall be the electronic record. Proposed law retains present law.

Present law provides 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 provides that the filing shall be deemed complete at the time the facsimile transmission is received in the office of the clerk of court.

Proposed law provides that the date and time in which the facsimile transmission is received in the clerk's of court office shall be stamped on the facsimile filing.

Present law provides that public access to electronically filed pleadings and documents shall be in accordance with the rules governing access to written filings. Proposed law retains present law.

Effective August 1, 2022.

(Amends R.S. 13:850(A) and C.C.P. Art. 253(B))