

2023 Regular Session

HOUSE BILL NO. 229

BY REPRESENTATIVE MAGEE

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

COURTS: Provides relative to electronic filings

1 AN ACT

2 To amend and reenact R.S. 13:754(A) through (D) and (F) and 850(A), Code of Civil
3 Procedure Article 253(B) and (D), and Code of Criminal Procedure Article 14.1(A)
4 and (F) and to enact Code of Civil Procedure Article 253(I) and Code of Criminal
5 Procedure Article 14.1(G), relative to electronic filings; to provide relative to the
6 membership and duties of the Louisiana Clerks' Remote Access Authority; to
7 provide relative to electronic filing standards and requirements; to provide relative
8 to facsimile transmissions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 13:754(A) through (D) and (F) and 850(A) are hereby amended and
11 reenacted to read as follows:

12 §754. Louisiana Clerks' Remote Access Authority; membership; board of
13 commission; statewide portal

14 A. There is hereby created the Louisiana Clerks' Remote Access Authority
15 which shall be referred to as ~~the~~ "LCRAA".

16 B. ~~The~~ LCRAA shall provide for the infrastructure, governance, standard
17 operating procedures, technology, and training to ~~support a statewide portal for~~
18 ~~secure remote access by internet users to certain records maintained by LCRAA~~
19 ~~members and shall provide assistance to LCRAA members in procuring,~~
20 ~~implementing, enhancing, and maintaining equipment, supplies, and services related~~

1 ~~to technology to facilitate electronic transactions and communications and to~~
2 ~~disseminate information to the public, to facilitate the operations of any member~~
3 ~~during any declared emergency, and to provide for document preservation. develop~~
4 ~~a statewide integrated electronic filing system. For purposes of this Section,~~
5 ~~"integrated electronic filing system" shall mean electronic document filing, case~~
6 ~~management, and document and image management. Every clerk of court shall~~
7 ~~have the integrated electronic filing system in place no later than January 1, 2025.~~

8 C.(1) ~~The LCRAA shall be composed of members who are district clerks of~~
9 ~~court to provide the LCRAA with secure remote access to indices of certain records~~
10 ~~maintained by each district clerk of court. LCRAA shall adopt rules permitting~~
11 ~~additional district clerks of court to enroll as members of LCRAA on a schedule~~
12 ~~which shall include at least one enrollment period per fiscal year. Every district~~
13 ~~clerk of court shall become a member of LCRAA by July 1, 2020. LCRAA shall~~
14 ~~provide the legislature, prior to the convening of the 2020 Regular Session, with a~~
15 ~~written progress report that includes a list of participating clerks of court by parish~~
16 ~~and a list of clerks of court by parish not yet participating, an overview of the~~
17 ~~information currently available through LCRAA, and information on the availability~~
18 ~~of online records of each clerk of court by parish.~~

19 D.~~(1)~~(2) ~~The LCRAA shall be governed by a seven-member~~ an eleven-
20 member board of commissioners, referred to in this Section as the "board", and
21 consists of the following members:

22 (a) Five ~~commissioners~~ members to be elected by ~~the~~ LCRAA from the
23 LCRAA membership.

24 (b) One ~~commissioner~~ member to be designated by the Louisiana Bankers
25 Association (LBA).

26 (c) One ~~commissioner~~ member to be designated by the Louisiana Land Title
27 Association (LLTA) or the Louisiana Association of Independent Land Title Agents
28 (LAILTA). ~~The commissioners from each association shall serve for a one-year~~
29 ~~term, alternating between the two associations. The designee of the LAILTA shall~~

1 ~~serve as the initial commissioner with the term beginning July 1, 2014, and ending~~
2 ~~June 30, 2015. The term for the designee of the LLTA shall begin on July 1, 2015,~~
3 ~~and end on June 30, 2016.~~

4 (d) One justice of the Supreme Court of Louisiana selected by the justices
5 thereof.

6 (e) Three judges of the Louisiana district courts, active or retired, selected
7 by the Louisiana District Judges Association.

8 ~~(2)(3)(a) Board members from the LLTA and LAILTA shall serve for a one-~~
9 ~~year term, alternating between the two associations. All other board members~~
10 ~~elected by the LCRAA and elected by the LBA shall serve two-year terms. The~~
11 ~~initial term shall begin on July 1, 2014, and shall end on June 30, 2016.~~

12 (b) Board members shall be eligible for election to succeeding terms without
13 limit.

14 (c) Any expired term or vacancy on the board of LCRAA shall be filled in
15 the same manner as the original appointment.

16 ~~(3)(4)~~ (4) The board shall elect from its members a chair, a vice chair, a
17 secretary, a treasurer and such other officers as it may deem necessary. The duties
18 of the officers shall be fixed by the by-laws adopted by LCRAA.

19 ~~(4)(5)~~ (5) The members of the board shall serve without compensation but shall
20 be reimbursed for their reasonable expenses directly related to the governance of
21 LCRAA.

22 ~~(5)(6)~~ (6) The domicile of LCRAA shall be in East Baton Rouge Parish.

23 D. Every clerk of court shall provide the following information to LCRAA,
24 which shall be compiled by LCRRA and submitted to the legislature no later than
25 January 1, 2024:

26 (1) The case management system or docket system software and software
27 vendor used by each parish clerk of court.

28 (2) The number and percentage of remote electronic filings and physical
29 filings of pleadings converted to electronic image by each parish clerk of court.

1 §850. Facsimile transmission; filings in civil actions; fees; equipment and supplies

2 A. ~~Any~~ Until January 1, 2025, any document in a civil action may be filed
3 with the clerk of court by facsimile transmission. All clerks of court shall make
4 available for their use equipment to accommodate facsimile filing in civil actions,
5 and the clerks of court shall not intentionally turn off or disconnect the equipment
6 used to receive facsimile filings. Filing shall be deemed complete on the date and
7 time indicated on the clerk of court facsimile transmission receipt. No later than on
8 the first business day after receiving a facsimile filing, the clerk of court shall
9 transmit to the filing party via facsimile a confirmation of receipt and include a
10 statement of the fees for the facsimile filing and filing of the original document. The
11 facsimile filing fee and transmission fee are incurred upon receipt of the facsimile
12 filing by the clerk of court and payable as provided in Subsection B of this Section.
13 The facsimile filing shall have the same force and effect as filing the original
14 document, if the filing party complies with Subsection B of this Section.

15 * * *

16 Section 2. Code of Civil Procedure Article 253(B) and (D) are hereby amended and
17 reenacted and Code of Civil Procedure Article 253(I) is hereby enacted to read as follows:

18 Art. 253. Pleadings, documents, and exhibits to be filed with clerk

19 * * *

20 B. ~~The~~ On and after January 1, 2025, all filings as provided in Paragraph A
21 of this Article and all other provisions of this Chapter ~~may~~ filed by an attorney shall
22 be transmitted electronically in accordance with a system established by a clerk of
23 court or by Louisiana Clerks' Remote Access Authority. When such a system is
24 established, the clerk of court shall adopt and implement procedures for the
25 electronic filing and storage of any pleading, document, or exhibit, and the official
26 record shall be the electronic record. A pleading or document filed electronically is
27 deemed filed on the date and time stated on the confirmation of electronic filing sent
28 from the system, if the clerk of court accepts the electronic filing. Public access to
29 electronically filed pleadings and documents shall be in accordance with the rules

1 governing access to paper filings. The clerk of court may convert into an electronic
2 record any pleading, document, or exhibit as set forth in R.S. 44:116. The originals
3 of conveyances shall be preserved by the clerk of court.

4 * * *

5 D. ~~Any~~ Until January 1, 2025, any pleading or document in a traffic or
6 criminal action may be filed with the court by facsimile transmission in compliance
7 with the provision of the Code of Criminal Procedure Article 14.1.

8 * * *

9 I. Upon adoption of uniform filing standards by the supreme court, no clerk
10 of court shall accept a filing not in accordance with said standards.

11 * * *

12 Section 3. Code of Criminal Procedure Article 14.1(A) and (F) are hereby amended
13 and reenacted and Code of Criminal Procedure Article 14.1(G) is hereby enacted to read as
14 follows:

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

16 A. Until January 1, 2025, any ~~Any~~ document in a traffic or criminal action
17 may be filed with the clerk of court by facsimile transmission if permitted by the
18 policy of the clerk of court. Filing shall be deemed complete at the time the
19 facsimile transmission is received by the clerk of court. No later than on the first
20 business day after receiving a facsimile filing, the clerk of court shall transmit to the
21 filing party via facsimile a confirmation of receipt and include a statement of the fees
22 for the facsimile filing and filing of the original document. The facsimile filing fee
23 and transmission fee are incurred upon receipt of the facsimile filing by the clerk of
24 court and payable as provided in Subsection B of this Section. The facsimile filing
25 shall have the same force and effect as filing the original document, if the party
26 complies with Paragraph B of this Article.

27 * * *

28 F. ~~The~~ On and after January 1, 2025, all filings as provided in this Article
29 and all other provisions of this Code ~~may~~ filed by an attorney shall be transmitted

1 electronically in accordance with a system established by a clerk of court or by the
 2 Louisiana Clerks' Remote Access Authority. When such a system is established, the
 3 clerk of court shall adopt and implement procedures for the electronic filing and
 4 storage of any pleading, document, or exhibit. Furthermore, in a parish that accepts
 5 electronic filings covered under this Paragraph, the official record shall be the
 6 electronic record. A pleading or document filed electronically is deemed filed on the
 7 date and time stated on the confirmation of electronic filing sent from the system, if
 8 the clerk of court accepts the electronic filing. Public access to electronically filed
 9 pleadings and documents shall be in accordance with the rules governing access to
 10 written filings.

11 G. Upon adoption of uniform filing standards by the supreme court, no clerk
 12 of court shall accept a filing not in accordance with the standards adopted by the
 13 supreme court.

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 229 Original

2023 Regular Session

Magee

Abstract: Provides relative to electronic civil and criminal case filings.

Present law creates the Louisiana Clerks' Remote Access Authority (LCRAA) to provide for infrastructure, governance, standard operating procedures, technology, and training to support a statewide portal for secure remote access by internet users to certain records maintained by LCRAA members, to provide assistance to LCRAA members in procuring, implementing, enhancing, and maintaining equipment, supplies, and services related to technology to facilitate electronic transactions and communications, and to disseminate information to the public, to facilitate the operations of any member during any declared emergency, and to provide for document preservation.

Proposed law removes those requirements and instead requires LCRAA to provide for the infrastructure, governance, standard operating procedures, technology, and training to develop a statewide integrated electronic filing system.

Proposed law defines "integrated electronic filing system" as electronic document filing, case management, and document and image management.

Proposed law requires every clerk of court to have the integrated electronic filing system in place no later than Jan. 1, 2025.

Proposed law requires LCRAA to use the filing fee collected by LCRAA to establish the integrated electronic filing system.

Present law provides for the membership of the LCRAA board.

Proposed law adds one justice of the La. Supreme Court and three judges of the La. district courts to the board.

Proposed law requires every clerk of court to submit information regarding electronic filing system capabilities and costs to LCRAA and further requires LCRAA to compile and submit the information to the legislature no later than Jan. 1, 2024.

Present law allows for any document in a civil, traffic, or criminal action to be filed with the clerk of court by facsimile transmission.

Proposed law allows for any document in a civil, traffic, or criminal action to be filed with the clerk of court by facsimile transmission until Jan. 1, 2025.

Present law allows for any document in a civil, traffic, or criminal action to be filed electronically in accordance with a system established by a clerk of court or LCRAA.

Proposed law requires, beginning Jan. 1, 2025, all documents in a civil, traffic, or criminal action filed by an attorney must be transmitted electronically in accordance with a system established by a clerk of court or LCRAA.

Proposed law provides that upon adoption of uniform filing standards by the supreme court, no clerk of court shall accept a filing not in accordance with the standards.

(Amends R.S. 13:754(A)-(D) and (F) and 850(A), C.C.P. Art. 253(B) and (D), and C.Cr.P. Art. 14.1(A) and (F); Adds C.C.P. Art. 253(I) and C.Cr.P. Art. 14.1(G))