
DIGEST

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HB 331 Original

2016 Regular Session

Gregory Miller

Abstract: Provides the requirements for fax filing in civil and criminal courts.

Present law provides that any paper or document in a civil action may be filed with the court by facsimile transmission, and requires all clerks of court to make available for their use equipment to accommodate facsimile filing in civil actions.

Present law provides that filing shall be deemed complete at the time the facsimile transmission is received and a receipt of transmission has been transmitted to the sender by the clerk of court.

Proposed law retains present law but removes the requirement the filing is complete after the clerk of court transmits a receipt.

Proposed law provides that no later than on the first business day after receiving a facsimile filing, the clerk of court shall transmit to the filing party via facsimile a confirmation of receipt and include the fees for the facsimile filing and filing the original document. The facsimile filing fee and transmission fee are incurred upon receipt of the facsimile filing by 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 subsequently files the identical original documents within seven days and pays the required fees.

(Amends R.S. 13:850(A), (B), and (C) and 2562.25(A), (B), and (C) and C.Cr.P. Art. 14.1(A), (B), and (C))