

2018 Regular Session

HOUSE BILL NO. 16

BY REPRESENTATIVES DANAHAAY AND DWIGHT

EVIDENCE: Provides relative to taking judicial notice of statutes

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1392, relative to proof of statutes; to
3 provide for the taking of judicial notice of statutes; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Code of Civil Procedure Article 1392 is hereby amended and reenacted
6 to read as follows:

7 Art. 1392. Proof of statutes

8 ~~Printed books or pamphlets purporting on their face to be the session or other~~
9 ~~statutes of any of the United States, or the territories thereof, or of any foreign~~
10 ~~jurisdiction, and to have been printed and published by the authority of any such~~
11 ~~state, territory or foreign jurisdiction, or proved to be commonly recognized in its~~
12 ~~courts, shall be received in the courts of this state as prima facie evidence of such~~
13 ~~statutes.~~ The court shall take judicial notice of the laws of the United States, of every
14 other state, territory, and other jurisdiction of the United States as provided by Code
15 of Evidence Article 202.

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 16 Original

2018 Regular Session

Danahay

Abstract: Provides that the court shall take judicial notice of the laws of the United States, of every other state, territory, and other jurisdiction of the United States.

Present law (C.E. Art. 202(A)) provides that a court shall take judicial notice of the laws of the United States, of every state, territory, and other jurisdiction of the United States, and of the ordinances enacted by any political subdivision within the court's territorial jurisdiction whenever certified copies of the ordinances have been filed with the clerk of that court.

Present law (C.C.P. Art. 1392) provides that printed books or pamphlets purporting on their face to be the statutes of any of the United States, or the territories thereof, or of any foreign jurisdiction, and either printed and published by the authority of any such state, territory or foreign jurisdiction, or proved to be commonly recognized in its courts, shall be received in the courts of this state as prima facie evidence of such statutes.

Proposed law (C.C.P. Art. 1392) deletes the requirement of submitting printed books or pamphlets in order for the court to recognize such statutes, and provides that the court shall take judicial notice of the laws of the United States, of every other state, territory, and other jurisdiction of the United States pursuant to existing law C.E. Art. 202.

(Amends C.C.P. Art. 1392)