

Regular Session, 2010

HOUSE BILL NO. 266

BY REPRESENTATIVE FOIL

COURTS: Provides relative to the retention of certain court records

1 AN ACT

2 To amend and reenact R.S. 13:4682 and 4686, relative to the Louisiana State University
3 Law Library; to discontinue the requirement that the library keep duplicate copies
4 of transcripts and briefs from the Supreme Court of Louisiana and the Courts of
5 Appeal of the state of Louisiana; to require duplicate copies of records previously
6 received by the library from the Courts of Appeal to be retained for a specified
7 number of years; to authorize the destruction of certain records; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 13:4682 and 4686 are hereby amended and reenacted to read as
11 follows:

12 §4682. Preservation of duplicate file of transcripts of cases finally disposed of by
13 Supreme Court; designation of Louisiana State University Law Library as
14 depository; destruction of certain records

15 ~~For the purpose of preserving a duplicate file of one of the triplicate copies~~
16 ~~of each transcript of appeal of cases finally disposed of by the Supreme Court, and~~
17 ~~for the further purpose of providing a duplicate file of each of the briefs lodged in~~
18 ~~the Supreme Court, the Louisiana State University Law Library is hereby designated~~
19 ~~as a depository to receive these documents from the clerk of the Supreme Court of~~
20 ~~Louisiana and to catalogue, index, file and preserve the documents.~~

1 A. Effective August 15, 2010, the Louisiana State University Law Library
2 shall cease to serve as the depository for duplicate copies of transcripts and briefs of
3 cases finally disposed of by the Supreme Court of Louisiana. Thereafter, the clerk
4 of the Supreme Court of Louisiana shall not transmit duplicate copies of transcripts
5 and briefs.

6 B. The Louisiana State University Law Library shall continue to store and
7 maintain records transmitted by the clerk of the Supreme Court between the dates of
8 January 1, 1980, through August 15, 2010, pending further orders of the Supreme
9 Court of Louisiana.

10 C. All records received by the Louisiana State University Law Library prior
11 to January 1, 1980, may be destroyed.

12 * * *

13 §4686. Preservation of documents and records of the courts of appeal; destruction
14 of certain records

15 ~~A. The Louisiana State University Law Library is hereby designated as a~~
16 ~~depository to receive, catalog, index, file and preserve such documents, records, and~~
17 ~~books as may be transmitted by the clerks of the several courts of appeal in~~
18 ~~accordance with the direction and orders of the respective courts. Effective August~~
19 ~~15, 2010, the Louisiana State University Law Library shall cease to serve as the~~
20 ~~depository for duplicate copies of transcripts and briefs of cases finally disposed of~~
21 ~~by the Courts of Appeal of the State of Louisiana. Thereafter, the clerks of the~~
22 ~~Courts of Appeal shall not transmit such duplicate copies of transcripts and briefs.~~

23 ~~B. Any materials transmitted to the Louisiana State University Law Library~~
24 ~~by a court of appeal, except the record in a criminal appeal, may be removed and~~
25 ~~destroyed by the library after the lapse of five years from the date of deposit. The~~
26 ~~library shall issue the depositor court of appeal written notice of the intent to remove~~
27 ~~and destroy the material on an appointed date, thirty or more days before the~~
28 ~~appointed date of removal and destruction. If the depositor court of appeal does not~~
29 ~~direct otherwise, the library may remove and destroy the material at any time on or~~

1 ~~after the appointed date of removal and destruction. The library shall maintain a~~
 2 ~~public record of the materials that are removed and destroyed, which record shall~~
 3 ~~show the respective depositor court of appeal, case name, docket number, year of~~
 4 ~~deposit, and date of destruction. Any duplicate records transmitted to the Louisiana~~
 5 ~~State University Law Library by a Court of Appeal prior to August 15, 2010, may~~
 6 ~~be removed and destroyed by the library after the lapse of five years from the date~~
 7 ~~of deposit. The duplicate records transmitted by a Court of Appeal shall be retained~~
 8 ~~for the five-year period except as otherwise ordered by the Supreme Court of~~
 9 ~~Louisiana.~~

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)]

Foil

HB No. 266

Abstract: Provides that effective Aug. 15, 2010, the LSU Law Library shall cease to serve as the depository for duplicate copies of materials of the Supreme Court and Courts of Appeal.

Present law designates the LSU Law Library as a depository to receive a copy of each transcript of appeal of cases finally disposed of by the supreme court and each brief logged in the supreme court and to catalogue, index, file, and preserve the documents.

Proposed law requires, effective Aug. 15, 2010, that the LSU Law Library shall cease to serve as the depository for duplicate copies of transcripts and briefs of cases finally disposed of by the supreme court and prohibits the clerk of the supreme court from transmitting duplicate copies of transcripts and briefs to the library.

Proposed law requires the LSU Law Library to continue to store and maintain records transmitted by the clerk of the supreme court between the dates of Jan. 1, 1980, through Aug. 15, 2010, pending further orders of the Supreme Court of Louisiana.

Proposed law authorizes the LSU Law Library to destroy all records received prior to Jan. 1, 1980.

Present law designates the LSU Law Library as a depository to receive, catalog, index, file, and preserve documents, records, and books as may be transmitted by the clerks of the Courts of Appeal in accordance with the direction and orders of the respective courts.

Proposed law requires, effective Aug. 15, 2010, that the LSU Law Library shall cease to serve as the depository for duplicate copies of transcripts and briefs of cases finally disposed of by the Courts of Appeal of the State of La. and prohibits the clerks of the Courts of Appeal from transmitting duplicate copies of transcripts and briefs to the library.

Present law authorizes the LSU Law Library, after giving specified notice to the Court of Appeal which does not object, to remove and destroy materials transmitted to them by a

Court of Appeal, except the record in a criminal appeal, after the lapse of five years from the date of deposit.

Present law requires the library to maintain a public record of the materials that are removed and destroyed, which record shall show the respective depositor court of appeal, case name, docket number, year of deposit, and date of destruction.

Proposed law deletes present law and authorizes the LSU Law Library to remove and destroy any duplicate records transmitted to it by a Court of Appeal prior to Aug. 15, 2010, after the lapse of five years from the date of deposit.

Proposed law requires the library to retain the duplicate records transmitted by a Court of Appeal for the five-year period unless ordered by the supreme court.

(Amends R.S. 13:4682 and 4686)