HLS 10RS-1036 ENGROSSED

AN ACT

Regular Session, 2010

HOUSE BILL NO. 266

1

BY REPRESENTATIVE FOIL

COURTS: Provides relative to the retention of certain court records

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.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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 duplicate records received by the Louisiana State University Law
11	Library prior 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

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after the appointed date of removal and destruction. The library shall 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. Any duplicate records transmitted to the Louisiana State University Law Library by a Court of Appeal prior to August 15, 2010, may be removed and destroyed by the library after the lapse of five years from the date of deposit. The duplicate records transmitted by a Court of Appeal shall be retained for the five-year period except as otherwise ordered by the Supreme Court of 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 La. Supreme Court and courts of appeal.

<u>Present law</u> 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.

<u>Proposed law</u> 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.

<u>Proposed law</u> 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 and Aug. 15, 2010, pending further orders of the Supreme Court of La.

<u>Proposed law</u> authorizes the LSU Law Library to destroy all duplicate records received prior to Jan. 1, 1980.

<u>Present law</u> 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.

<u>Proposed law</u> 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 La. and prohibits the clerks of the courts of appeal from transmitting duplicate copies of transcripts and briefs to the library.

<u>Present law</u> 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

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

<u>Present law</u> 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.

<u>Proposed law</u> deletes <u>present law</u> 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.

<u>Proposed law</u> 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)

## Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Clarified that the LSU Law Library is authorized to destroy all "duplicate" records received prior to Jan. 1, 1980.