

Regular Session, 2010

HOUSE BILL NO. 266

BY REPRESENTATIVE FOIL

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.~~

21 A. Effective August 15, 2010, the Louisiana State University Law Library  
22 shall cease to serve as the depository for duplicate copies of transcripts and briefs of  
23 cases finally disposed of by the Supreme Court of Louisiana. Thereafter, the clerk

1 of the Supreme Court of Louisiana shall not transmit duplicate copies of transcripts  
2 and briefs.

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

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

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10 §4686. Preservation of documents and records of the courts of appeal; destruction  
11 of certain records

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

20 ~~B. Any materials transmitted to the Louisiana State University Law Library~~  
21 ~~by a court of appeal, except the record in a criminal appeal, may be removed and~~  
22 ~~destroyed by the library after the lapse of five years from the date of deposit. The~~  
23 ~~library shall issue the depositor court of appeal written notice of the intent to remove~~  
24 ~~and destroy the material on an appointed date, thirty or more days before the~~  
25 ~~appointed date of removal and destruction. If the depositor court of appeal does not~~  
26 ~~direct otherwise, the library may remove and destroy the material at any time on or~~  
27 ~~after the appointed date of removal and destruction. The library shall maintain a~~  
28 ~~public record of the materials that are removed and destroyed, which record shall~~  
29 ~~show the respective depositor court of appeal, case name, docket number, year of~~  
30 ~~deposit, and date of destruction. Any duplicate records transmitted to the Louisiana~~

1            State University Law Library by a Court of Appeal prior to August 15, 2010, may  
 2            be removed and destroyed by the library after the lapse of five years from the date  
 3            of deposit. The duplicate records transmitted by a Court of Appeal shall be retained  
 4            for the five-year period except as otherwise ordered by the Supreme Court of  
 5            Louisiana.

6            C. Notwithstanding any other provision of law to the contrary, except as  
 7            authorized by order of the Supreme Court of Louisiana, the Louisiana State  
 8            University Law Library shall not dispose of any records of any criminal cases that  
 9            have been previously transferred to the Louisiana State University Law Library by  
 10           the Fourth Circuit Court of Appeal or the Fifth Circuit Court of Appeal.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_