

ACT No. 109

2016 Regular Session

HOUSE BILL NO. 331

BY REPRESENTATIVE GREGORY MILLER

1 AN ACT

2 To amend and reenact R.S. 13:850(A), (B), and (C) and 2562.25(A), (B), and (C) and Code
3 of Criminal Procedure Article 14.1(A), (B), and (C), relative to the filing of certain
4 documents in civil and criminal court; to provide procedures and requirements for
5 facsimile filing; to provide for the effectiveness of filing; to provide for the payment
6 of filing fees; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:850(A), (B), and (C) and 2562.25(A), (B), and (C) are hereby
9 amended and reenacted to read as follows:

10 §850. Facsimile transmission; filings in civil actions; fees; equipment and supplies

11 A. Any ~~paper~~ document in a civil action may be filed with the clerk of court
12 by facsimile transmission. All clerks of court shall make available for their use
13 equipment to accommodate facsimile filing in civil actions. Filing shall be deemed
14 complete at the time ~~that~~ the facsimile transmission is received ~~and a receipt of~~
15 ~~transmission has been transmitted to the sender~~ by the clerk of court. No later than
16 on the first business day after receiving a facsimile filing, the clerk of court shall
17 transmit to the filing party via facsimile a confirmation of receipt and include a
18 statement of the fees for the facsimile filing and filing of the original document. The
19 facsimile filing fee and transmission fee are incurred upon receipt of the facsimile
20 filing by the clerk of court and payable as provided in Subsection B of this Section.
21 The facsimile ~~when filed has~~ filing shall have the same force and effect as filing the
22 original document, if the filing party complies with Subsection B of this Section.

23 B. Within seven days, exclusive of legal holidays, after the clerk of court ~~has~~
24 ~~received the transmission, the party filing the document shall forward the following~~

1 to receives the facsimile filing, all of the following shall be delivered to the clerk of
 2 court:

3 (1) The original ~~signed~~ document identical to the facsimile filing in number
 4 of pages and in content of each page including any attachments, exhibits, and orders.
 5 A document not identical to the facsimile filing or which includes pages not included
 6 in the facsimile filing shall not be considered the original document.

7 (2) The ~~applicable filing fee~~ fees for the facsimile filing and filing of the
 8 original document stated on the confirmation of receipt, if any.

9 (3) A transmission fee of five dollars.

10 C. If the filing party fails to comply with any of the requirements of
 11 Subsection B of this Section, the facsimile filing shall have no force or effect. The
 12 various district courts may provide by court rule for other matters related to filings
 13 by facsimile transmission.

14 * * *

15 §2562.25. Facsimile transmission; filings in civil actions; fees; equipment and
 16 supplies

17 A. Any document in a civil action may be filed with the clerk of court for the
 18 First and Second Parish Courts of Jefferson Parish by facsimile transmission. The
 19 clerk of court of the parish of Jefferson as the ex officio clerk of court for the First
 20 and Second Parish Courts of Jefferson Parish shall make available for his use
 21 equipment to accommodate facsimile filing in civil actions. Filing shall be deemed
 22 complete at the time that the facsimile transmission is received ~~and a receipt of~~
 23 ~~transmission has been transmitted to the sender~~ by the clerk of court. No later than
 24 on the first business day after receiving a facsimile filing, the clerk of court shall
 25 transmit to the filing party via facsimile a confirmation of receipt and include a
 26 statement of the fees for the facsimile filing and filing of the original document. The
 27 facsimile filing fee and transmission fee are incurred upon receipt of the facsimile
 28 filing by the clerk of court and payable as provided in Subsection B of this Section.
 29 The facsimile filing when filed has shall have the same force and effect as filing the
 30 original document, if the party complies with Subsection B of this Section.

1 B. Within ~~five~~ seven days, exclusive of legal holidays, after the clerk of
 2 court ~~has received the transmission, the party filing the document shall forward the~~
 3 ~~following to~~ receives the facsimile filing, all of the following shall be delivered to
 4 the clerk of court:

5 (1) The original ~~signed~~ document identical to the facsimile filing in number
 6 of pages and in content of each page including any attachments, exhibits, and orders.
 7 A document not identical to the facsimile filing or which includes pages not included
 8 in the facsimile filing shall not be considered the original document.

9 (2) The ~~applicable filing fee~~ fees for the facsimile filing and filing of the
 10 original document stated on the confirmation of receipt, if any.

11 (3) A transmission fee of five dollars.

12 C. If the filing party fails to comply with any of the requirements of
 13 Subsection B of this Section, the facsimile filing shall have no force or effect. The
 14 First and Second Parish Courts of Jefferson Parish may provide by court rule for
 15 other matters related to filings by facsimile transmission.

16 * * *

17 Section 2. Code of Criminal Procedure Article 14.1(A), (B), and (C) are hereby
 18 amended and reenacted to read as follows:

19 Art. 14.1. Filing of pleadings and documents by facsimile transmission

20 A. Any ~~pleading or document filed in response to~~ a traffic or criminal action
 21 may be filed with the clerk of court by facsimile transmission if permitted by the
 22 policy of the clerk of court. ~~Upon receipt of the transmission,~~ Filing shall be deemed
 23 complete at the time the facsimile transmission is received by the clerk of court. No
 24 later than on the first business day after receiving a facsimile filing, the clerk of court
 25 shall ~~cause~~ transmit to the filing party via facsimile a confirmation of receipt of
 26 ~~transmission to be transmitted to the sender when such and include a statement of the~~
 27 fees for the facsimile filing and filing of the original document. is received in the
 28 ~~office of the clerk of court. Such filing shall be deemed complete at the time when~~
 29 ~~the facsimile transmission is received and the receipt of transmission has been~~
 30 ~~transmitted to the sender. When filed, the~~ The facsimile filing fee and transmission

1 fee are incurred upon receipt of the facsimile filing by the clerk of court and payable
2 as provided in Subsection B of this Section. The facsimile ~~transmission~~ filing shall
3 have the same force and effect as filing the original document, if the party complies
4 with Paragraph B of this Article ~~from which the transmission was made.~~

5 B. Within ~~five~~ seven days, exclusive of legal holidays, after the clerk of
6 court ~~has received the transmission and the sender has received notification of such~~
7 ~~receipt, the party filing the facsimile transmitted document shall forward the~~
8 ~~following~~ receives the facsimile filing, all of the following shall be delivered to the
9 clerk of court:

10 (1) The original ~~signed~~ document identical to the facsimile filing in number
11 of pages and in content of each page including any attachments, exhibits, and orders.
12 A document not identical to the facsimile filing or which includes pages not included
13 in the facsimile filing shall not be considered the original document.

14 (2) The ~~applicable filing fee~~ fees for the facsimile filing and filing of the
15 original document stated on the confirmation of receipt, if any.

16 (3) A transmission fee of five dollars, if the defendant had not been declared
17 indigent by the court.

18 C. If a the filing party who has made a filing through facsimile transmission
19 with the court fails to comply with the provisions of Paragraph B of this Article any
20 of the requirements of Paragraph B of this Article, the facsimile ~~file~~ filing shall have
21 no force or effect.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____