

Regular Session, 2010

SENATE BILL NO. 208

BY SENATOR MOUNT

COURTS. Authorizes the City Court of Lake Charles to destroy specified records of no value with consent of court. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 13:1904(C) and (D), relative to city courts; to provide relative

3 to destruction of records; to provide for the destruction of certain records in the city

4 court of Lake Charles; to authorize the clerk of court to destroy certain civil and

5 criminal records; to provide for time limitations in the destruction of records; to

6 provide for requirements prior to destruction; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:1904(C) and (D) are hereby amended and reenacted to read as

9 follows:

10 §1904. City courts; destruction of useless records; ~~City Court of Houma~~ **certain**

11 **courts**

12 * * *

13 C. Notwithstanding the provisions of Subsection A to the contrary, the clerk

14 of the City Court of Houma ~~and~~, the clerk of the City Court of Ruston, **and the clerk**

15 **of the City Court of Lake Charles** may, upon consent of the judge or of the

16 majority of judges, if there is more than one city judge, destroy records of judicial

17 proceedings involving suits for eviction of tenants and occupants when such records

1 have been deemed by the presiding judge or judges to have no further use or value.
 2 However, such proposed destruction shall only be authorized where two years have
 3 elapsed from the last date of action on the record or records when the suit is not
 4 appealed or two years have elapsed after all appeals are exhausted.

5 D. The clerk of the City Court of Houma ~~and~~, the clerk of the City Court of
 6 **Ruston, and the clerk of the City Court of Lake Charles** may, upon consent of the
 7 judge or of the majority of judges, if there is more than one city judge, destroy
 8 records of criminal proceedings involving misdemeanor convictions when such
 9 records have been deemed by the presiding judge or judges to have no further use or
 10 value. However, such proposed destruction shall only be authorized where ten years
 11 have elapsed from the date of the judgment of conviction when the conviction is not
 12 appealed or two years have elapsed after all appeals are exhausted. The provisions
 13 of this Subsection shall not apply to a conviction for operating a vehicle while
 14 intoxicated.

15 * * *

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Camille Sebastien Perry.

DIGEST

Present law generally authorizes the clerk of a city court to destroy records concerning suits on open account, tort suits, suits on unsecured notes, suits on promissory notes, suits on chattel mortgages, and suits for eviction of tenants and occupants upon consent of the judge or majority of the judges when the records are deemed to have no further use or value.

Present law generally authorizes the destruction where 10 years have elapsed from the last date of action on the record.

Present law specifically authorizes the clerk of the City Court of Houma and the clerk of the City Court of Ruston to destroy records concerning suits for eviction of tenants and occupants upon consent of the judge or majority of the judges when the records are deemed to have no further use or value. Authorizes the destruction where two years have elapsed from the last date of action on the record or records when the suit is not appealed or two years have elapsed after all appeals are exhausted.

Proposed law retains present law regarding the provisions for the City Courts of Houma and Ruston and also includes that the provisions additionally apply to the City Court of Lake Charles.

Present law authorizes the clerk of the City Court of Houma and the clerk of the City Court of Ruston to destroy criminal records concerning misdemeanor convictions upon consent of the judge or majority of the judges when the records are deemed to have no further use or

value. Authorizes the destruction where 10 years have elapsed from the date of the judgment of conviction when the conviction is not appealed or two years have elapsed after all appeals are exhausted. Does not apply to a conviction for operating a vehicle while intoxicated.

Proposed law retains present law regarding the provisions for the City Courts of Houma and Ruston and also includes that the provisions additionally apply to the City Court of Lake Charles.

Proposed law retains present law requiring the clerk of court to scan the criminal records onto an optical disc for storage prior to destruction.

Effective August 15, 2010.

(Amends R.S. 13:1904(C) and (D))