

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~~ **be authorized**
 3 **only when** two years have elapsed from the last date of action on the record or
 4 records when the suit is not appealed or two years have elapsed after all appeals are
 5 exhausted.

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

16 * * *

The original instrument was prepared by Camille Sebastien Perry. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

DIGEST

Mount (SB 208)

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))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Makes technical corrections.