
The original instrument was prepared by Dennis C. Weber. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas L. Tyler.

DIGEST

Amedee (SB 143)

Present law provides for electronic records and electronic signatures. Provides provisions regarding electronic records and records do not apply to court orders or notices, or official court documents, including briefs, pleadings, and other writings required to be executed in connection with court proceedings. Proposed law provides an exception for testimony transcripts.

Proposed law provides that an application for any warrant or signature utilized by the judicial branch not be denied legal effect or enforceability solely because it is in electronic form and that it have the full effect of law. Requires that an electronic record satisfy a legal requirement that an application for any warrant be in writing and that if the law requires a signature, then an electronic signature will satisfy such requirement.

Requires that any application used to attach a digital signature to any warrant or affidavit have security procedures in place to insure the authenticity of the digital signature. Requires that the application be able to keep an electronic record of the warrant or affidavit, including the time and date when the signature was attached. Also requires that the application include encryption measures to ensure secure access of the application.

Provides that, unless otherwise agreed to by a sender of a warrant application and the judiciary, an electronic signature is received when (1) the record enters an information-processing system designated and approved by local court rule for the purpose of receiving electronic applications for warrants and from which the recipient is able to retrieve the electronic record and (2) it is in a form capable of being processed by the system.

Proposed law provides that applications for testimony transcript certification or signature utilized by an office not be denied legal effect or enforceability solely because it is in electronic form and requires that such application, signature or record in electronic form have the full effect of law. Provides that if the law requires a signature, then this requirement will be satisfied by an electronic signature.

Effective August 15, 2009

(Amends R.S. 9:2603(B)(4)(b); adds R.S. 9:2603.1 and 2603.2)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.

1. Makes technical correction.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Adds requirements that electronic applications have security procedures that insure authenticity of the digital signature; that it be able to keep an electronic record of the time and date when the signature is attached; and that it include encryption measures to ensure secure access of the application.
2. Adds provisions for electronic applications for testimony transcripts.