

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 143 By Senator Amedee

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

LAW ENFORCEMENT. Provides for the employment of electronic applications for warrants and electronic signatures. (8/15/09)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Removes provisions relative to the authorization and utilization of electronic applications for testimony transcripts and electronic signatures.
2. Removes provisions relative to certification of testimony transcripts with electronic signatures.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

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 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.

Effective August 15, 2009.

(Adds R.S. 9:2603.1)

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