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 <u>clerk of</u> 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 <u>filing shall have</u> the same force and effect as <u>filing</u> 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

Page 1 of 4

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 <u>filing</u> party fails to comply with <u>any of</u> 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 <u>filing</u> when filed has shall have the same force and effect as <u>filing</u> the
30	original document, if the party complies with Subsection B of this Section.

Page 2 of 4

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1	B. Within five <u>seven</u> 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 <u>of court</u> :
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 <u>clerk of</u> 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

Page 3 of 4

ENROLLED

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.
22	* * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

Page 4 of 4