HLS 17RS-850 REENGROSSED

2017 Regular Session

HOUSE BILL NO. 227

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BY REPRESENTATIVE SHADOIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS/COURT REPORTERS: Provides relative to sealing and delivering depositions

AN ACT

2 To amend and reenact Code of Civil Procedure Article 1446(A)(1), relative to depositions; 3 to provide procedures for the sealing of certain depositions; to provide for delivery 4 of electronically sealed depositions; and to provide for related matters. 5 Be it enacted by the Legislature of Louisiana: 6 Section 1. Code of Civil Procedure Article 1446(A)(1) is hereby amended and 7 reenacted to read as follows: 8 Art. 1446. Certification by officer; custody of deposition; exhibits; copies; notice 9 of availability for inspection or copying; cost of originals and copies of 10 transcripts 11 A.(1)(a) The officer as defined in Article 1434(B) shall certify on the deposition that the witness was duly sworn and that the deposition is a true record 12 of the testimony given by the witness. 13 14 (b) The officer shall do either of the following: 15 (i) Securely He shall then securely seal the deposition in an envelope 16 endorsed with the title of the action and marked "Deposition of (here insert name of 17 witness)" and shall promptly and simultaneously send it by United States mail or by 18 courier to the party at whose request the deposition was taken, who shall become the 19 custodian of the deposition, and to all other parties to the action who have ordered 20 a copy of the deposition transcript.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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(ii) At the request of the parties, seal the deposition electronically by secure electronic means approved by rules promulgated by the Board of Examiners of Certified Shorthand Reporters and shall promptly and simultaneously deliver the deposition electronically to the party at whose request the deposition was taken and to all other parties to the action who have ordered a copy of the deposition transcript.

The party at whose request the deposition was taken shall then become the custodian of the deposition.

(c) The original of the deposition shall not be filed in the record, but shall be made available to all other parties in the matter for inspection or copying. The failure or lack of filing such original in the record shall not affect the use or admissibility of the original at trial or by the court if otherwise authorized or provided by law.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 227 Reengrossed

2017 Regular Session

Shadoin

Abstract: Adds an alternate procedure for sealing the deposition electronically by secure electronic means and simultaneously delivering the deposition electronically to all parties to the action who ordered a copy.

<u>Present law</u> provides the procedures for taking, certifying, and sealing the deposition of a witness in civil matters.

<u>Present law</u> requires the court reporter to securely seal the deposition in an envelope endorsed with the title of the action and promptly send it by U.S. mail or by courier to the party at whose request the deposition was taken, who shall become the custodian of the deposition.

<u>Proposed law</u> retains <u>present law</u> but specifies that the deposition shall be simultaneously sent to the party requesting that the deposition be taken and to all other parties to the action who order a copy of the deposition.

<u>Proposed law</u> adds an alternate procedure for sealing the deposition electronically by secure electronic means and simultaneously delivering the deposition electronically to all parties to the action who have ordered a copy of the deposition, with the party at whose request the deposition was taken becoming the custodian of the deposition.

(Amends C.C.P. Art. 1446(A)(1))

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REENGROSSED HB NO. 227

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Civil Law and Procedure</u> to the <u>original bill</u>:

- 1. Reorganize the order of the provisions so that the procedures for sealing paper and electronic depositions appear together in the same Subparagraph.
- 2. Specify that copies of the electronic deposition are promptly and simultaneously delivered to all parties attending the deposition.

The House Floor Amendments to the engrossed bill:

- 1. Add technical amendments.
- 2. Specify the parties who may order a copy of the deposition transcript.
- 3. Specify that the deposition shall be sent simultaneously to the parties.