

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 clerk of 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~~ filing shall have the same force and effect as filing 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~~





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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_