
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 588 Original

2020 Regular Session

Duplessis

Abstract: Provides relative to the preservation and microfilming of certain records

Present law (R.S. 13:1904) provides that the destruction of criminal records can only occur after the records have been stored in an electronic format or has an approved digital imaging pursuant to R.S. 44:39.

Proposed law retains present law but changes exception to be pursuant to R.S. 44:429.

Present law (R.S. 14:132) provides that second degree injuring public records is the intentional removal or destruction of any public record that is required to be preserved pursuant to R.S. 44:36.

Proposed law retains present law regarding records required to be preserved pursuant to R.S. 44:36. Changes required method of preservation to be pursuant to R.S. 44:428 instead of R.S. 44:36.

Present law (R.S. 44:7) requires that documents prepared by doctors, nurses, and employees in the public hospitals of Louisiana, adult or juvenile correctional institutions, public mental health centers, and public schools for the mentally deficient are preserved pursuant to R.S. 44:36 and 39.

Proposed law retains present law but requires records to be preserved pursuant to R.S. 44:428 instead of R.S. 44:36.

Present law (R.S. 46:58) provides that the secretary may destroy all files of documents that have been preserved as provided for in R.S. 44:39.

Proposed law retains present law but requires records to be preserved pursuant to R.S. 44:429 instead of R.S. 44:39.

Present law (R.S. 48:201) provides that when microfilm copies of a file have been created, the Secretary may destroy original files three years following the date when the record was made. Further provides that pursuant to R.S. 44:39, the microfilm copies shall be admissible in evidence in all courts and administrative agency proceedings.

Proposed law retains present law but provides that microfilm copies shall be admissible in evidence pursuant to R.S. 44:429 instead of R.S. 44:39.

Present law provides for when certain public records may be destroyed.

Proposed law retains present law except to recodify the section of law to be R.S. 44:428.

Present law provides that public records may be preserved through the utilization of a microphotographic process or an electronic digitizing process capable of reproducing an unalterable image of the original source document. Further provides that any microfilm or electronically digitized copy, when satisfactorily identified, shall be admissible in evidence in all courts or administrative proceedings.

Proposed law retains present law except to recodify the section of law to be R.S. 44:429.

(Amends R.S. 13:1904 (E), 14:132 (B), 44:7 (A), 46:58 (C) and 48:201; Adds R.S. 44:428 and 429; Repeals R.S. 44:36 and 39)