

2016 Regular Session

HOUSE BILL NO. 130

BY REPRESENTATIVE BROADWATER

COURTS/CITY: Provides for the disposal of certain misdemeanor records

1 AN ACT

2 To amend and reenact R.S. 13:1904(D), relative to the destruction of certain misdemeanor  
3 records; to authorize certain clerks of court to destroy certain misdemeanor records;  
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:1904(D) is hereby amended and reenacted to read as follows:

7 §1904. City courts; destruction of useless records; certain courts

8 \* \* \*

9 D. The clerk of the City Court of Hammond, the clerk of the City Court of  
10 Houma, the clerk of the City Court of Ruston, and the clerk of the City Court of Lake  
11 Charles may, upon consent of the judge or of the majority of judges if there is more  
12 than one city judge and with authorization from the state archivist as provided in R.S.  
13 44:411, destroy records of criminal proceedings involving misdemeanor convictions  
14 when such records have been deemed by the presiding judge or judges to have no  
15 further use or value. However, such proposed destruction shall be authorized only  
16 when ten years have elapsed from the date of the judgment of conviction when the  
17 conviction is not appealed or two years have elapsed after all appeals are exhausted.  
18 The provisions of this Subsection shall not apply to a conviction for operating a  
19 vehicle while intoxicated.

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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)]

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HB 130 Original

2016 Regular Session

Broadwater

**Abstract:** Adds the clerk of the City Court of Hammond to the list of clerks of court who may destroy certain misdemeanor records which have been deemed to be of no further use or value.

Present law authorizes the clerks of the city courts of Houma, Ruston, and Lake Charles, upon consent of the judge or of the majority of judges if there is more than one city judge and with authorization from the state archivist, to destroy records of criminal proceedings involving misdemeanor convictions when 10 years have elapsed from the date of the judgment of conviction

Present law does not apply to a conviction for operating a vehicle while intoxicated.

Present law requires the clerk of court to scan and store the records in electronic format prior to destruction.

Proposed law retains present law and adds the clerk of the City Court of Hammond to those clerks of court who may destroy records pursuant to present law.

(Amends R.S. 13:1904(D))