

2024 Second Extraordinary Session

ACT No. 12

HOUSE BILL NO. 23

BY REPRESENTATIVE MELERINE AND SENATOR SEABAUGH

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AN ACT

To amend and reenact R.S. 49:257(C) and Code of Civil Procedure Article 1880 and to enact Code of Civil Procedure Articles 855.1 and 1845 and Code of Criminal Procedure Article 62(D), relative to procedures challenging the constitutionality of state law; to provide for procedures for actions alleging unconstitutionality of laws; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1880 is hereby amended and reenacted, and Code of Civil Procedure Articles 855.1 and 1845 are hereby enacted to read as follows:

Art. 855.1. Pleadings for unconstitutionality of state law

All civil actions alleging that a law is unconstitutional shall be in writing and be brought in an ordinary proceeding. The pleading shall be served upon the attorney general of the state in accordance with Article 1314. Upon proper service, the attorney general shall have thirty days to respond to the allegations or represent or supervise the interests of the state.

* * *

Art. 1845. Effects of judgments on state law

A judgment rendering a law unconstitutional is absolutely null and shall be void and unenforceable if the provisions of Article 855.1 have not been met.

* * *

1 Art. 1880. Parties

2 When declaratory relief is sought, all persons shall be made parties who have
3 or claim any interest which would be affected by the declaration, and no declaration
4 shall prejudice the rights of persons not parties to the proceeding. In a proceeding
5 which involves the validity of a municipal ordinance or franchise, such municipality
6 shall be made a party, and shall be entitled to be heard. If the ~~statute~~ law, ordinance,
7 or franchise is alleged to be unconstitutional, the attorney general of the state shall
8 also be served with a copy of the proceeding and be entitled to be heard. If the law
9 is alleged to be unconstitutional, pleadings shall be made pursuant to the
10 requirements in Articles 855.1 and 1845.

11 Section 2. Code of Criminal Procedure Article 62(D) is hereby enacted to read as
12 follows:

13 Art. 62. Authority of attorney general; supervision of district attorney

14 * * *

15 D. Any pleading containing an allegation of unconstitutionality of a criminal
16 law shall be in writing and served upon the attorney general of the state. Upon
17 proper service, the attorney general shall have thirty days to respond to the
18 allegations or represent or supervise the interests of the state. The attorney general
19 shall have a right to directly appeal adverse rulings to the supreme court of Louisiana
20 for supervisory review whether or not the attorney general participated in the
21 underlying proceeding.

22 Section 3. R.S. 49:257(C) is hereby amended and reenacted to read as follows:

23 §257. Legal representation of certain state agencies

24 * * *

25 C. Notwithstanding any other law to the contrary, the attorney general, at his
26 discretion, shall represent or supervise the representation of the interests of the state
27 in any action or proceeding in which the constitutionality of a state ~~statute~~ law or of
28 a resolution of the legislature is challenged or assailed. In all other proceedings in
29 which the constitutionality of a law is assailed, the attorney general shall be served
30 notice or a copy of the pleading. The attorney general, at his discretion, shall be

1 permitted to present, represent, or supervise the representation of the state's interest
 2 in the proceeding if the proceeding is in accordance with Code of Civil Procedure
 3 Articles 855.1 and 1845 and Code of Criminal Procedure Article 62(D). In any civil
 4 proceeding challenging the constitutionality of a law, the allegations of
 5 unconstitutionality shall be contained in a pleading as defined in Code of Civil
 6 Procedure Article 852.

7 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session
HOUSE BILL NO. 449
BY REPRESENTATIVE MELERINE

ACT No. 25

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 4552(C) and to enact Code of Civil
3 Procedure Article 4552(D), relative to mailing of judgment of interdiction; to
4 provide that interdiction records be mailed to the registrar of voters; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 4552(C) is hereby amended and
8 reenacted and Code of Civil Procedure Article 4552(D) is hereby enacted to read as follows:

9 Art. 4552. Recordation of notice of suit and judgment

10 * * *

11 C.(1) Within fifteen days of his qualification, the curator shall mail a
12 certified copy of a judgment of full interdiction, or limited interdiction for mental
13 incompetence which specifically suspends the right to register and vote, to the
14 registrar of voters of the parish in which the interdict is registered to vote, or
15 otherwise eligible but for the interdiction, by certified mail or commercial courier.

16 (2) Within fifteen days from the signing of a judgment modifying or
17 terminating such an interdiction, the curator shall mail a copy of the modification or
18 termination to the registrar of voters of the parish in which the interdict resides by
19 certified mail or commercial courier.

1 (3) The curator shall also provide to the registrar of voters the date of birth
2 of the interdict and the last four digits of the social security number of the interdict
3 to ensure the proper person is removed from the voting records.

4 D. A clerk or curator whose failure to perform his duties causes damage is
5 liable only to those who contract with the interdict and who neither knew nor should
6 have known of the interdiction proceedings or judgment.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

SENATE BILL NO. 103

BY SENATOR DUPLESSIS (On Recommendation of the Louisiana State Law Institute)

1 AN ACT

2 To amend and reenact Code of Civil Procedure Art. 192.2, Code of Criminal Procedure Art.
3 25.1 and 433(A) and (C), and Code of Evidence Art. 604, and to enact Code of
4 Evidence Art. 604.1, relative to the appointment of interpreters in court proceedings;
5 to provide for the appointment of interpreters in civil proceedings; to provide for the
6 appointment of interpreters in criminal proceedings; to provide for persons permitted
7 to be present at grand jury sessions; to provide for the qualifications of
8 court-appointed interpreters; to provide for recordation and retention of interpreted
9 communications; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Code of Civil Procedure Art. 192.2 is hereby amended and reenacted to
12 read as follows:

13 Art. 192.2. Appointment of interpreter for non-English-speaking persons

14 A. If a non-English-speaking person who is a ~~principal party in interest~~ or a
15 witness in a proceeding before the court has requested **that the court appoint** an
16 interpreter **for the proceeding**, a judge shall appoint, ~~after consultation with the~~
17 ~~non-English-speaking person or his attorney, a competent interpreter to interpret or~~
18 ~~to translate the proceedings to him and to interpret or translate his testimony~~ **an**
19 **interpreter in accordance with the Code of Evidence and the Rules of the**
20 **Louisiana Supreme Court.**

21 B. Notwithstanding any other provision of law to the contrary, the court shall
22 order payment to the **court-appointed** interpreter for his services at a fixed
23 reasonable amount, and that amount shall be paid out of the appropriate court fund.

24 C. In a proceeding alleging abuse ~~under~~ **in accordance with** R.S. 46:2134 et
25 seq., an interpreter, if necessary, shall be appointed prior to a rule to show cause
26 hearing.

27 Section 2. Code of Criminal Procedure Arts. 25.1 and 433(A) and (C) are hereby

1 amended and reenacted to read as follows:

2 Art. 25.1. Appointment of interpreter for ~~non-English-speaking persons~~

3 A. ~~If a non-English-speaking person who is a principal party in interest or a~~
4 ~~witness in a proceeding before the court has requested an interpreter, a judge shall~~
5 ~~appoint, after consultation with the non-English-speaking person or his attorney, a~~
6 ~~competent interpreter to interpret or to translate the proceedings to him and to~~
7 ~~interpret or translate his testimony.~~ **The court shall appoint an interpreter in**
8 **accordance with the Code of Evidence and the Rules of the Louisiana Supreme**
9 **Court for any person who is a party or witness upon a determination that the**
10 **person is a limited English proficient or deaf individual.**

11 B. ~~The court shall order reimbursement to the interpreter for his services at~~
12 ~~a fixed reasonable amount.~~ **The cost of providing a qualified court interpreter**
13 **shall be paid out of the appropriate court fund.**

14 Comments – 2024

15 Rules regulating the use of interpreters in court proceedings and court
16 operations are set forth in Part G, Section 14 of the Rules of the Louisiana Supreme
17 Court and in Code of Evidence Articles 604 and 604.1.

18 * * *

19 Art. 433. Persons present during grand jury sessions

20 A.(1) Only the following persons may be present at the sessions of the grand
21 jury:

22 (a) The district attorney and assistant district attorneys or any one or more of
23 them;

24 (b) The attorney general and assistant attorneys general or any one or more
25 of them;

26 (c) The witness under examination;

27 (d) A person sworn to record the proceedings of and the testimony given
28 before the grand jury; ~~and.~~

29 (e) An interpreter sworn to translate the testimony of a witness who is ~~unable~~
30 ~~to speak the~~ **a limited English language proficient or deaf individual.**

31 (2) An attorney for a target of the grand jury's investigation may be present

1 during the testimony of ~~said~~ **the** target. The attorney shall be prohibited from
 2 objecting, addressing, or arguing before the grand jury; however, **the attorney he**
 3 may consult with his client at ~~anytime~~ **any time**. The court shall remove ~~such~~ **the**
 4 attorney for a violation of these conditions. If a witness becomes a target because of
 5 his testimony, the legal advisor to the grand jury shall inform ~~him~~ **the witness** of his
 6 right to counsel and cease questioning until ~~such~~ **the** witness has obtained counsel
 7 or voluntarily and intelligently waived his right to counsel. Any evidence or
 8 testimony obtained under the provisions of this Subparagraph from a witness who
 9 later becomes a target shall not be admissible in a proceeding against him.

10 * * *

11 C. A person who is intentionally present at a meeting of the grand jury,
 12 except as authorized by Paragraph A of this ~~article~~ **Article**, shall be in constructive
 13 contempt of court.

14 Section 3. Code of Evidence Art. 604 is hereby amended and reenacted and Code of
 15 Evidence Art. 604.1 is hereby enacted to read as follows:

16 Art. 604. Interpreters

17 An interpreter is subject to the provisions of this Code **and the Rules of the**
 18 **Louisiana Supreme Court** relating to qualification as ~~an expert~~ **a court-appointed**
 19 **interpreter** and the administration of an oath or affirmation that ~~he~~ **the interpreter**
 20 will make a true translation **or interpretation**.

21 Comments – 2024

22 The amendments to this Article make clear that the regulation and use of interpreters
 23 in court proceedings are set forth in the Rules of the Louisiana Supreme Court. The
 24 amendments also clarify that this Article applies to interpreters who are appointed by the
 25 court as officers of the court, as distinguished from interpreters who are retained by a party
 26 for the party's own purposes. In accordance with the Rules of the Louisiana Supreme Court,
 27 the amendment also observes the distinction between interpretation and translation. An
 28 interpretation involves hearing information spoken in one language and orally relaying the
 29 information to another in a manner that preserves the language's meaning. A translation
 30 consists of taking information that has been written in one language and conveying it in
 31 writing in another language while preserving the language's meaning.

32 **Art. 604.1. Qualifications of interpreters; interpretations**

33 **A. If a party objects to the qualifications of any court-appointed**
 34 **interpreter, the party or the party's attorney shall have the right to conduct a**

1 voir dire examination of the interpreter.

2 B. If a qualified interpreter is not available for a court proceeding, upon
3 the consent of all parties, the court may appoint a person who the court and
4 parties agree will be able to accurately interpret the proceeding in a fair and
5 impartial manner. Before giving consent, the party or the party's attorney shall
6 have the right to conduct a voir dire examination of the interpreter.

7 C. Any party may object to the interpretation or translation of an
8 interpreter.

9 D. In all court proceedings in a court of record, interpreted
10 communications with the court shall be recorded in an audio or audiovisual
11 format. The recordings shall be retained by the court.

12 E. Nothing in this Article prevents any party from having its own
13 interpreter at any proceeding for the party's own purposes.

14 Comments – 2024

15 This Article is new and sets forth the procedure for objecting to the qualifications of
16 a court-appointed interpreter and selecting an interpreter when a qualified interpreter is not
17 available. This Article also provides for the recordation and retention of interpreted
18 communications in all proceedings in a court of record and permits a party to have its own
19 interpreter present at any proceeding for the party's own purposes.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 121

BY SENATOR COUSSAN

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AN ACT

To amend and reenact Code of Civil Procedure Arts. 4843 (D), (E), (F), and (G) and to repeal Code of Civil Procedure Art. 4843(H), relative to jurisdiction of city courts; to provide relative to the amount in dispute when the civil jurisdiction is concurrent with the district court; to provide with respect to the jurisdictional amount in dispute in the City Court of Crowley, the City Court of Lafayette, and the City Court of Rayne; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Arts. 4843 (D), (E), (F), and (G) are hereby amended and reenacted to read as follows:

Art. 4843. City court jurisdiction; amount in dispute; injunctive actions by state or political subdivision

* * *

~~D. In the City Court of Lafayette, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed twenty thousand dollars.~~

E. In the City Court of Bogalusa, the City Court of Bunkie, the City Court of Eunice, the City Court of Marksville, the City Court of Natchitoches, a city court in New Orleans, the City Court of Opelousas, the City Court of Port Allen, the City Court of Ville Platte, and the City Court of Winnsboro, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed twenty-five thousand dollars.

F.E. In the City Court of Breaux Bridge, ~~the City Court of Crowley,~~ the City Court of Hammond, the City Court of Houma, the City Court of Jeanerette, the City Court of Jennings, the City Court of Monroe, the City Court of New Iberia, the City

1 Court of Oakdale, ~~the City Court of Rayne~~, and the City Court of Winnfield, the civil
2 jurisdiction is concurrent with the district court in cases where the amount in dispute,
3 or the value of the property involved, does not exceed thirty thousand dollars.

4 ~~G.F.~~ In the City Court of Abbeville, the City Court of Baker, the City Court
5 of Baton Rouge, **the City Court of Crowley**, the City Court of Kaplan, **the City**
6 **Court of Lafayette**, the City Court of Leesville, the City Court of Minden, the City
7 Court of Plaquemine, **the City Court of Rayne**, the City Court of Shreveport, the
8 City Court of Springhill, and the City Court of Zachary, the civil jurisdiction is
9 concurrent with the district court in cases where the amount in dispute, or the value
10 of the property involved, does not exceed thirty-five thousand dollars.

11 ~~H.G.~~ In the City Court of Alexandria, the Third Ward City Court of Franklin,
12 the City Court of Pineville, the City Court of East St. Tammany, the City Court of
13 Ruston, the City Court of Sulphur, and the City Court of Lake Charles, the civil
14 jurisdiction is concurrent with the district court in cases where the amount in dispute,
15 or the value of the property involved, does not exceed fifty thousand dollars.

16 Section 2. Code of Civil Procedure Article 4843(H) is hereby repealed.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 32

BY SENATOR MILLER (On Recommendation of the Louisiana State Law Institute)

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AN ACT

To amend and reenact Code of Civil Procedure Arts. 3421, 3422, 3422.1(B), (C), and (E), 3431, 3432, 3432.1, 3434, and 3443, and to enact Code of Civil Procedure Art. 3433, relative to small succession procedures; to provide for the definition of a small succession; to provide for court costs; to provide for immovable property damaged by disaster; to provide for judicial proceedings; to provide for affidavits for small successions; to provide for the delivery of property; to provide for the sale of succession property; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Arts. 3421, 3422, 3422.1(B), (C), and (E), 3431, 3432, 3432.1, 3434, and 3443 are hereby amended and reenacted, and Code of Civil Procedure Art. 3433 is hereby enacted, to read as follows:

Art. 3421. Small successions defined

~~A. A small succession, within the meaning of this Title, is the succession or the ancillary~~ **any of the following:**

(1) The succession of a person who ~~at any time has died and the decedent's property~~ died domiciled in Louisiana ~~has~~ and who died leaving property with a gross value of one hundred twenty-five thousand dollars or less valued as of the date of death.

(2) The ancillary succession of a person who died domiciled outside of Louisiana and who died leaving property in Louisiana with a gross value of one hundred twenty-five thousand dollars or less valued as of the date of death.

(3) The succession of a person whose ~~or, if the~~ date of death occurred at least twenty years prior to the date of filing execution of a small succession affidavit as authorized in this Title, and who died leaving property in Louisiana of any value.

~~B. A small succession shall also include a succession of a person who has~~

1 ~~died testate, leaving no immovable property, and probate of the testament of the~~
 2 ~~deceased would have the same effect as if the deceased had died intestate.~~

3 Comments – 2024

4 This revision clarifies the scope of the small succession legislation. It
 5 changes the law insofar as it allows the estate of a decedent who dies testate and
 6 domiciled in Louisiana with immovable property to qualify as a small succession,
 7 provided that the gross value of the estate is one hundred twenty-five thousand
 8 dollars or less. In doing so, this revision allows a testate succession that includes
 9 immovable property and qualifies as a small succession under this Title to qualify
 10 for reduced court costs under Article 3422, but the revision does not allow such a
 11 succession to utilize the affidavit process provided in Article 3431.

12 Art. 3422. Court costs; compensation

13 In judicial proceedings under this Title, the following schedule of costs,
 14 compensation, and fees shall prevail:

15 (1) Court costs ~~for successions valued less than one hundred twenty-five~~
 16 ~~thousand dollars~~ shall be one-half of the court costs in similar proceedings in ~~larger~~
 17 successions **that are not small successions**, ~~but the minimum costs in any case shall~~
 18 ~~be five dollars; and.~~

19 (2) The compensation of the succession representative shall be not more than
 20 five percent of the gross assets of the succession.

21 Comments – 2024

22 This revision clarifies the law. It changes the law only insofar as it eliminates
 23 an outdated reference to a minimum court cost for a small succession.

24 Art. 3422.1. Small succession immovable property damaged by disaster or
 25 catastrophe

26 * * *

27 B. In the absence of a written agreement between co-owners for the use and
 28 management of ~~such~~ the immovable recorded in the conveyance or mortgage
 29 records for the parish in which the immovable is situated, any public entity or agent
 30 of ~~such~~ a public entity may conclusively presume that a co-owner in possession of
 31 the immovable for more than one year has been appointed by all co-owners ~~to~~
 32 ~~manage, administer, repair, reconstruct, and restore the immovable, and to receive,~~
 33 ~~disburse and account for funds given to him by the public entity solely for the~~
 34 ~~purposes of such repair, reconstruction, and restoration~~ **as a managing co-owner.**

1 C. The power of the managing co-owner shall include the power to ~~execute~~
 2 ~~mortgages to secure funds not exceeding the amount necessary to repair, reconstruct,~~
 3 ~~and restore the immovable, and also to encumber the immovable with such~~
 4 ~~restrictions as may be required by the public entity, without the need to obtain the~~
 5 ~~concurrence of all co-owners.~~ **do any of the following, without the need to obtain**

6 **the concurrence of all co-owners:**

7 **(1) Manage, administer, repair, reconstruct, and restore the immovable.**

8 **(2) Receive, disburse, and account for funds given to the managing**
 9 **co-owner by a public entity solely for the purposes of the repair, reconstruction,**
 10 **and restoration of the immovable.**

11 **(3) Execute mortgages to secure funds not exceeding the amount**
 12 **necessary to repair, reconstruct, and restore the immovable.**

13 **(4) Encumber the immovable with restrictions as may be required by a**
 14 **public entity.**

15 * * *

16 E. The management of the immovable by the co-owner shall be subject to the
 17 laws of negotiorum gestio and ~~mandate applicable to co-owners.~~ However, the
 18 ~~provisions of this Article shall control to the extent of any conflict~~ **to the extent not**
 19 **inconsistent with the provisions of this Article.**

20 * * *

21 Comments – 2024

22 This revision clarifies the law by reorganizing various provisions in existing
 23 law. It does not change the law, which allows for a "managing co-owner" to perform
 24 various actions provided in Paragraph C of this Article without the concurrence of
 25 other co-owners in dealing with certain types of damaged immovable property
 26 subject to a small succession proceeding.

27 Art. 3431. Small successions; judicial opening unnecessary

28 A. It shall not be necessary to open judicially the small succession of a **any**
 29 **of the following persons:**

30 **(1) A** person domiciled in Louisiana who died intestate ~~or testate as provided~~
 31 ~~by Article 3421(B), or,~~

32 **(2) A person domiciled in Louisiana who died testate leaving no**

1 immovable property in Louisiana, if the surviving spouse, all persons who
 2 would inherit under the testament, and all other persons who would inherit in
 3 the absence of a testament agree to waive probate of the testament.

4 (3) A person domiciled outside of Louisiana who died intestate or whose
 5 testament has been probated by court order of another state, ~~and whose sole heirs are~~
 6 ~~the following:~~

- 7 ~~(1) His descendants.~~
- 8 ~~(2) His ascendants.~~
- 9 ~~(3) His brothers or sisters, or descendants thereof.~~
- 10 ~~(4) His surviving spouse.~~
- 11 ~~(5) His legatees under a testament.~~

12 B. Any person appointed as public administrator by the governor may use the
 13 affidavit procedure of this Chapter to take possession of the estate of the deceased,
 14 if the estate of the deceased would qualify as a small succession, for transmittal
 15 to the state, provided that there is no surviving spouse or other heir present or
 16 represented in the state; and provided ~~he~~ that the public administrator has
 17 advertised one time in the official journal of the parish where a succession would
 18 have been opened ~~under~~ in accordance with Article 2811; and verifies that ~~he has~~
 19 ~~received~~ no notice of opposition has been received.

20 C. The legal notice required in Paragraph B of this Article shall read as
 21 follows:

22 "Notice is hereby given to any heirs or creditors of _____ that
 23 _____, Public Administrator for the parish of _____, intends to
 24 administer the intestate succession of _____, under the provisions
 25 of Small Successions as set forth in Chapter 2 of Title V of Book VI of the Code of
 26 Civil Procedure.

27 Anyone having an objection to ~~such~~ the administration of the succession
 28 should notify _____ at _____."

29 Comments – 2024

30 This revision preserves much of existing law but modifies the law with regard

1 to when the judicial opening of a succession is unnecessary for some types of
 2 successions. Specifically, in accordance with this revision, it is not necessary to open
 3 judicially the succession of a decedent who died testate and domiciled in Louisiana
 4 if the estate qualifies as a small succession and the decedent's succession does not
 5 transfer immovable property in Louisiana, provided that the surviving spouse, all
 6 persons who would inherit under the testament, and all other persons who would
 7 inherit in the absence of a testament agree to waive probate of the testament.
 8 Similarly, it is not necessary to open judicially the succession of a decedent who died
 9 domiciled outside of Louisiana, if the estate qualifies as a small succession and the
 10 decedent died either intestate or testate, provided that the testament has been
 11 probated by a foreign court.

12 Art. 3432. Affidavit for small succession **for a person who died intestate**; contents

13 A. When it is not necessary ~~under~~ **in accordance with** the provisions of
 14 Article 3431 to open judicially a small succession, at least two persons, including the
 15 surviving spouse, if any, and one or more ~~competent major~~ heirs of the deceased,
 16 may execute one or more multiple originals of an affidavit, duly sworn before any
 17 officer or person authorized to administer oaths in the place where the affidavit is
 18 executed, setting forth **all of the following**:

19 (1) The date of death of the deceased, and his domicile at the time thereof;

20 (2) The fact that the deceased died intestate;

21 (3) The marital status of the deceased, the location of the last residence of the
 22 deceased, and the name of the surviving spouse, if any, and the surviving spouse's
 23 address, domicile, and location of last residence;

24 (4) The names and last known addresses of the heirs of the deceased, their
 25 relationship to the deceased, and the statement that an heir not signing the affidavit
 26 **either**:

27 (a) ~~cannot~~ **Cannot** be located after the exercise of reasonable diligence; ~~or,~~

28 (b) ~~was~~ **Was** given ~~ten~~ **thirty** days notice by ~~U.S.~~ **United States** mail of the
 29 affiants' intent to execute an affidavit for small succession and did not object;

30 (5) A description of the property left by the deceased, including whether the
 31 property is community or separate, and which, in the case of immovable property,
 32 ~~must~~ **shall** be sufficient to identify the property for purposes of transfer;

33 (6) A showing of the value of each item of property, and the aggregate value
 34 of ~~all such~~ **the** property, at the time of the death of the deceased;

35 (7) A statement describing the respective interests in the property ~~which~~ **that**

1 each heir has inherited and whether a legal usufruct of the surviving spouse attaches
2 to the property;

3 (8) An affirmation that, by signing the affidavit, the affiant, if an heir, has
4 accepted the succession of the deceased; ~~and~~.

5 (9) An affirmation that, by signing the affidavit, the affiants swear under
6 penalty of perjury that the information contained in the affidavit is true, correct, and
7 complete to the best of their knowledge, information, and belief.

8 B. If the deceased had no surviving spouse, the affidavit ~~must~~ **shall** be signed
9 by at least two heirs. If the deceased had no surviving spouse and only one heir, the
10 affidavit ~~must~~ **shall** also be signed by a second person who has actual knowledge of
11 the matters stated ~~therein~~ **in the affidavit**.

12 C. In addition to the powers of a natural tutor **or curator** otherwise provided
13 by law, a natural tutor may also execute the affidavit on behalf of a minor child
14 without the necessity of filing a petition pursuant to Article 4061, **and a curator**
15 **may also execute the affidavit on behalf of an interdict without the necessity of**
16 **court authorization**.

17 Comments – 2024

18 This revision preserves much of existing law but provides a unified approach
19 for decedents who die intestate, whether domiciled in Louisiana or outside of
20 Louisiana. The contents of the required affidavit have not been changed by the
21 revision, other than to make minor semantic changes, to extend the notice period
22 given to heirs not signing the affidavit in accordance with Subsubparagraph
23 (A)(4)(b) of this Article, and to include curators in Paragraph C of this Article.

24 Art. 3432.1. Affidavit for small succession for a person **domiciled in Louisiana**
25 who died testate; contents

26 A. When it is not necessary ~~under~~ **in accordance with** the provisions of
27 Article 3431 to open judicially a small succession, ~~at least two persons~~ **all of the**
28 **heirs and legatees of the deceased**, including the surviving spouse, if any, ~~and one~~
29 ~~or more competent legatees of the deceased~~, may execute one or more multiple
30 originals of an affidavit, duly sworn before any officer or person authorized to
31 administer oaths in the place where the affidavit is executed, setting forth all of the
32 following:

1 (1) The date of death of the deceased, and his domicile at the time thereof.

2 (2) The fact that the deceased died testate.

3 (3) The marital status of the deceased, the location of the last residence of the
4 deceased, and the name of the surviving spouse, if any, and the surviving spouse's
5 address, domicile, and location of last residence, together with the names and last
6 known addresses of the ~~legal~~ heirs of the deceased, and identifying those of the ~~legal~~
7 heirs who are also forced heirs of the deceased.

8 (4) The names and last known addresses of the legatees of the deceased, ~~and~~
9 ~~the statement that a legatee not signing the affidavit was given ten days notice by~~
10 ~~U.S. mail of the affiants' intent to execute an affidavit for small succession and did~~
11 ~~not object.~~

12 (5) A description of the **movable** property left by the deceased, including
13 whether the property is community or separate, and ~~which, in the case of an~~
14 **affirmation that the deceased died owning no** immovable property, ~~must be~~
15 ~~sufficient to identify the property for purposes of transfer~~ **in Louisiana.**

16 (6) A showing of the value of each item of property subject to the jurisdiction
17 of the courts of Louisiana, and the aggregate value of ~~all such~~ **the** property, at the
18 time of the death of the deceased.

19 (7) A statement describing the respective interests in the property ~~which~~ **that**
20 each legatee has inherited and whether a ~~legal~~ usufruct of the surviving spouse
21 attaches to the property.

22 (8) An attachment consisting of ~~certified copies~~ **a copy** of the testament ~~and,~~
23 ~~if the testament has been probated by court order of another state, the probate order~~
24 ~~of the other state.~~

25 (9) An affirmation that, by signing the affidavit, the affiant, if a legatee, has
26 accepted the legacy of the deceased.

27 (10) **An affirmation that, by signing the affidavit, each affiant expressly**
28 **waives any right to challenge the validity of the testament or any of its**
29 **provisions.**

30 **(11)** An affirmation that, by signing the affidavit, the affiants swear under

1 penalty of perjury that the information contained in the affidavit is true, correct, and
 2 complete to the best of their knowledge, information, and belief.

3 ~~B. If the deceased had no surviving spouse, the affidavit must be signed by~~
 4 ~~at least two persons who have actual knowledge of the matters stated therein.~~

5 ~~C.~~ In addition to the powers of a natural tutor or curator otherwise provided
 6 by law, a natural tutor may also execute the affidavit on behalf of a minor child
 7 without the necessity of filing a petition pursuant to Article 4061, and a curator
 8 may also execute the affidavit on behalf of an interdict without the necessity of
 9 court authorization.

10 Comments – 2024

11 This revision preserves much of existing law and specifies the requirements
 12 of an affidavit for decedents who die testate and domiciled in Louisiana. Unlike
 13 Articles 3432(A) and 3433(A), all heirs and legatees of the deceased, including the
 14 surviving spouse, must sign the affidavit prescribed in this Article. The affidavit
 15 procedure prescribed in this Article is not available if a decedent died testate owning
 16 immovable property in Louisiana.

17 Art. 3433. Affidavit for small succession for a person domiciled outside of
 18 Louisiana who died testate; contents

19 A. When it is not necessary in accordance with the provisions of Article
 20 3431 to open judicially a small succession, at least two persons, including the
 21 surviving spouse, if any, and one or more legatees of the deceased, may execute
 22 one or more multiple originals of an affidavit, duly sworn before any officer or
 23 person authorized to administer oaths in the place where the affidavit is
 24 executed, setting forth all of the following:

25 (1) The date of death of the deceased, and his domicile at the time
 26 thereof.

27 (2) The fact that the deceased died testate.

28 (3) The marital status of the deceased, the location of the last residence
 29 of the deceased, and the name of the surviving spouse, if any, and the surviving
 30 spouse's address, domicile, and location of last residence, together with the
 31 names and last known addresses of the heirs of the deceased, and identifying
 32 those of the heirs who are also forced heirs of the deceased.

1 (4) The names and last known addresses of the legatees of the deceased,
2 and the statement that a legatee not signing the affidavit was given thirty-days
3 notice by United States mail of the affiants' intent to execute an affidavit for
4 small succession and did not object.

5 (5) A description of the property left by the deceased in Louisiana,
6 including whether the property is community or separate, and which, in the
7 case of immovable property, shall be sufficient to identify the property for
8 purposes of transfer.

9 (6) A showing of the value of each item of property subject to the
10 jurisdiction of the courts of Louisiana, and the aggregate value of the property,
11 at the time of the death of the deceased.

12 (7) A statement describing the respective interests in the property that
13 each legatee has inherited and whether a usufruct of the surviving spouse
14 attaches to the property.

15 (8) An attachment consisting of a copy of the testament and a certified
16 copy of the probate order of the court of another jurisdiction or the equivalent
17 thereof.

18 (9) An affirmation that, by signing the affidavit, the affiant, if a legatee,
19 has accepted the legacy of the deceased.

20 (10) An affirmation that, by signing the affidavit, the affiants swear
21 under penalty of perjury that the information contained in the affidavit is true,
22 correct, and complete to the best of their knowledge, information, and belief.

23 B. If the deceased had no surviving spouse, the affidavit shall be signed
24 by at least two persons who have actual knowledge of the matters stated in the
25 affidavit.

26 C. In addition to the powers of a natural tutor or curator otherwise
27 provided by law, a natural tutor may also execute the affidavit on behalf of a
28 minor child without the necessity of filing a petition pursuant to Article 4061,
29 and a curator may also execute the affidavit on behalf of an interdict without
30 the necessity of court authorization.

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Comments – 2024

This revision preserves much of existing law and specifies the requirements of an affidavit for decedents who die testate and domiciled outside of Louisiana. Unlike Article 3432.1(A), only two persons must sign the affidavit prescribed in this Article. Again, unlike Article 3432.1, this Article allows for use of the affidavit procedure when the decedent dies domiciled outside of Louisiana while owning immovable property in Louisiana but requires, in accordance with Subparagraph (A)(8) of this Article, that both a copy of the testament and the probate order must be attached to the affidavit.

Art. 3434. Endorsed copy of affidavit authority for delivery of property

A. A multiple original of the affidavit or a certified copy thereof authorized by Article 3432, ~~or 3432.1,~~ or 3433 shall be full and sufficient authority for the payment of any money or the delivery of any ~~money or~~ property of the deceased described in the affidavit to the heirs or legatees of the deceased and the surviving spouse in community, if any, in the percentages listed ~~therein~~ in the affidavit, by any federally insured depository institution, financial institution, trust company, warehouseman, ~~or other~~ depository, domestic or foreign corporation, or by any person having ~~such~~ the property in his possession or under his control. ~~Similarly, a multiple original of an affidavit satisfying the requirements of this Article shall be full and sufficient authority for the transfer to the heirs or legatees of the deceased, and surviving spouse in community, if any, or to their assigns, of any stock or registered bonds in the name of the deceased and described in the affidavit, by any domestic or foreign corporation.~~

B. The receipt of the persons named in the affidavit as heirs or legatees of the deceased, or surviving spouse in community thereof, constitutes a full release and discharge for the payment of money or delivery of property made ~~under~~ in accordance with the provisions of this Article. Any creditor, heir, legatee, succession representative, or other person ~~whatsoever~~ shall have no right or cause of action against the person paying the money; or delivering the property, ~~or transferring the stock or bonds, under~~ in accordance with the provisions of this Article; on account of ~~such~~ the payment; ~~or~~ delivery; ~~or transfer.~~

C.(1) A multiple original of the affidavit, ~~to which has been attached a certified copy of the deceased's death certificate,~~ or a certified copy thereof and

1 A. Notice of the public sale of property, movable or immovable, by the
 2 succession representative of a small succession shall be published once and only in
 3 the parish where the succession is pending, and the property shall be sold ~~not~~ no less
 4 than ten days nor more than fifteen days after publication.

5 B. Notice of the application of the succession representative of a small
 6 succession to sell succession property, movable or immovable, at private sale shall
 7 be published once and only in the parish where the succession proceeding is pending;
 8 and shall state that any opposition to the proposed sale ~~must~~ shall be filed within ten
 9 days of the date of publication.

Comments – 2024

This revision does not change the law but makes only minor semantic changes.

Section 2. (A) The Louisiana State Law Institute is hereby directed to print the following Comment to Code of Civil Procedure Article 3441:

Comments – 2024

The 2024 revision did not affect this Article, which provides that all of the rules applicable to the judicial opening of a succession and its acceptance without administration apply to small succession proceedings.

(B) The Louisiana State Law Institute is hereby directed to print the following Comment to Code of Civil Procedure Article 3442:

Comments – 2024

The 2024 revision did not affect this Article, which provides that all of the rules applicable to the judicial opening of a succession and its rules for sending heirs and legatees into possession apply to small succession proceedings.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 445

BY SENATOR JACKSON-ANDREWS

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AN ACT

To amend and reenact Code of Civil Procedure Art. 4843(E), relative to thresholds for certain actions; to provide for the amount in dispute when the civil jurisdiction is concurrent with the district court; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 4843(E) is hereby amended and reenacted to read as follows:

Art. 4843. City court jurisdiction; amount in dispute; injunctive actions by state or political subdivision

* * *

E. In the City Court of Bogalusa, the City Court of Bunkie, the City Court of Eunice, the City Court of Marksville, the City Court of Natchitoches, a city court in New Orleans, the City Court of Opelousas, the City Court of Port Allen, the City Court of Ville Platte, ~~and~~ the City Court of Winnsboro, and the City Court of Bastrop, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed twenty-five thousand dollars.

* * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session
HOUSE BILL NO. 100
BY REPRESENTATIVE CARLSON

ACT No. 129

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 4844 and R.S. 13:1443(B), relative
3 to civil jurisdiction for parish and city courts; to remove the jurisdictional amounts
4 in eviction proceedings; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 4844 is hereby amended and reenacted
7 to read as follows:

8 Art. 4844. Amount in dispute; eviction proceedings

9 ~~A. Except as otherwise provided in this Article, a parish court or city court~~
10 ~~shall have jurisdiction, concurrent with the district court, over suits by owners and~~
11 ~~landlords for the possession of leased premises as follows:~~

12 ~~(1) When the lease is by the day and the daily rental is one hundred fifty~~
13 ~~dollars or less.~~

14 ~~(2) When the lease is by the week and the weekly rental is five hundred~~
15 ~~dollars or less.~~

16 ~~(3) When the lease is by the month and the monthly rental is three thousand~~
17 ~~dollars or less.~~

18 ~~(4) When the lease is by the year and the annual rental is thirty-six thousand~~
19 ~~dollars or less.~~

20 ~~(5) When the suit is to evict an occupant as defined by Article 4704, if the~~
21 ~~annual value of the right of occupancy does not exceed the amount in dispute to~~

1 which the jurisdiction of the court is limited by Articles 4842 and 4843 or as to the
2 amounts set forth in Subparagraphs (3) and (4) of this Paragraph.

3 B. ~~In the City Court of East St. Tammany, the city court shall have the same~~
4 ~~jurisdictional limit for possession of leased premises in eviction proceedings as~~
5 ~~provided for in Article 4912 for justice of the peace courts.~~

6 C. ~~In the City Court of Hammond, the city court shall have jurisdiction over~~
7 ~~suits by owners and landlords for the possession of leased premises when the lease~~
8 ~~is by the month and the monthly rental is five thousand dollars or less.~~

9 D. ~~In computing the jurisdictional amount for purposes of eviction suits, the~~
10 ~~daily, weekly, monthly, annual, or other rental provided by the lease, exclusive of~~
11 ~~interest, penalties, or attorney fees, shall determine the amount in dispute.~~

12 Notwithstanding Articles 4842(A) and 4843, a parish court or city court shall,
13 within its territorial jurisdiction, have jurisdiction, concurrent with the district court,
14 over the following matters, regardless of the amount of daily, monthly, or yearly rent
15 or the rent for the unexpired term of the lease or the annual value of the right of
16 occupancy:

17 (1) Suits by owners and landlords for the possession of leased premises.

18 (2) Suits by landowners or lessors for eviction of occupants or tenants of
19 leased residential premises.

20 (3) Suits to evict an occupant as defined by Article 4704.

21 (4) Suits by landowners or lessors for the eviction of occupants or tenants of
22 leased commercial premises and leased farmlands.

23 Section 2. R.S. 13:1443(B) is hereby amended and reenacted to read as follows:

24 §1443. Civil jurisdiction; amount in controversy; eviction suits; injunctive actions

25 * * *

26 B.(1) A parish court shall have jurisdiction, concurrent with the district
27 court, over suits by owners and landlords for the possession of leased premises
28 within its territorial jurisdiction, ~~as follows:~~ in accordance with Code of Civil
29 Procedure Article 4844.

1 (a) ~~When the amount of the rental does not exceed the jurisdictional amounts~~
2 ~~provided in Code of Civil Procedure Article 4844(A).~~

3 (b) ~~When the suit is to evict an occupant, as defined by Article 4704 of the~~
4 ~~Code of Civil Procedure, if the annual value of the right of occupancy does not~~
5 ~~exceed the amount in dispute to which the jurisdiction of the court is limited by~~
6 ~~Subsection A of this Section.~~

7 (2) ~~In computing the jurisdictional amount for purposes of eviction suits, the~~
8 ~~daily, weekly, monthly, annual, or other rental provided by the lease, exclusive of~~
9 ~~interest, penalties, or attorney fees shall determine the amount in dispute.~~

10 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 80

BY SENATORS FOIL AND BASS (On Recommendation of the Louisiana State Law Institute)

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AN ACT

To amend and reenact Code of Civil Procedure Arts. 4269.1, 4521(A)(3), and 4566(D), relative to trusts for minors and persons with disabilities; to provide for placement of a minor's property in trust; to provide for placement of payments to minors in trust; to provide for placement of an interdict's property in trust; to provide for the use of special needs and pooled trusts under federal law; to provide for termination of trusts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Arts. 4269.1, 4521(A)(3), and 4566(D) are hereby amended and reenacted to read as follows:

Art. 4269.1. Placement of minor's property in trust

At any time during his administration, a tutor may apply to the court for authorization to place some or all of the minor's property in trust ~~for administration, management and investment~~ in accordance with the Louisiana Trust Code **or, for a beneficiary who is disabled as defined in 42 U.S.C. 1382c(a)(3), in a trust qualified under 42 U.S.C. 1396p(d)(4)(C) in accordance with the law of any state.** The trust instrument shall name the minor as sole beneficiary of the trust, shall name a trustee, shall impose maximum spendthrift restraints, and **may allow the trust to last for the lifetime of the beneficiary. Except for trusts qualified under 42 U.S.C. 1396p(d)(4)(A) or 1396p(d)(4)(C), the trust shall, however,** be subject to termination at the option of the beneficiary upon attaining the age of majority, ~~or, should he fail~~ **If the minor fails** to attain majority, **the trust shall be subject to termination** at the option of his heirs or legatees. The court may, upon application, make such changes in the trust instrument as may be advisable. Upon creation of the trust, the tutor shall be entitled to no further commissions with respect to the trust property.

1 * * *

2 Art. 4521. Payments to minor

3 A. In approving any proposal by which a minor is to be paid funds as the
4 result of a judgment or settlement, the court may order:

5 * * *

6 (3) That the funds be placed in trust in accordance with the Louisiana Trust
7 Code ~~to be administered by an individual or corporate trustee as determined by the~~
8 court or, for a beneficiary who is disabled as defined in 42 U.S.C. 1382c(a)(3), in
9 a trust qualified under 42 U.S.C. 1396p(d)(4)(C) in accordance with the law of
10 any state. The trust instrument shall name the minor as sole beneficiary of the
11 trust, shall name a trustee, shall impose maximum spendthrift restraints, and
12 may allow the trust to last for the lifetime of the beneficiary. Except for trusts
13 qualified under 42 U.S.C. 1396p(d)(4)(A) or 1396p(d)(4)(C), the trust shall,
14 however, be subject to termination at the option of the beneficiary upon
15 attaining the age of majority. If the minor fails to attain majority, the trust shall
16 be subject to termination at the option of his heirs or legatees. ~~However, the~~ The
17 court shall not order funds ~~which~~ that will be paid to an unemancipated minor who
18 is in the legal custody of the Department of Children and Family Services to be
19 placed in trust if the amount of the judgment or settlement is less than fifty thousand
20 dollars.

21 * * *

22 Art. 4566. Management of affairs of the interdict

23 * * *

24 D.~~(+)~~ A curator may place the property of the interdict in trust in accordance
25 with the provisions of Article 4269.1. ~~The~~ Except for trusts qualified under 42
26 U.S.C. 1396p(d)(4)(A) or 1396p(d)(4)(C), the trust shall be subject to termination
27 at the option of the interdict upon termination of the interdiction, ~~or if,~~ if the interdict
28 dies during the interdiction, the trust shall be subject to termination at the option
29 of his heirs or legatees.

30 ~~(2) For the purpose of retaining government benefits and upon a showing by~~

1 clear and convincing evidence that the interdict is permanently disabled and will not
2 recover capacity, the trust shall be irrevocable during the life of the interdict and
3 shall terminate upon the death of the interdict.

4 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session

ACT No. 183

HOUSE BILL NO. 21

BY REPRESENTATIVE MELERINE

1 AN ACT

2 To amend and reenact R.S. 13:3425(B) and Code of Civil Procedure Article 5094, relative
3 to absent persons; to provide for service of process by commercial courier; to
4 provide for a definition; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:3425(B) is hereby amended and reenacted to read as follows:

7 §3425. Notice

8 * * *

9 B. A copy of the petition for appointment shall be mailed by the applicant
10 by registered or certified mail or delivered by commercial courier to each person
11 listed in the affidavit, and to each person requesting notice pursuant to R.S. 13:3426,
12 and shall notify him of the date and hour assigned by the court for a hearing thereon.

13 * * *

14 Section 2. Code of Civil Procedure Article 5094 is hereby amended and reenacted
15 to read as follows:

16 Art. 5094. Duties; notice to nonresident or absentee

17 A. When an attorney at law is appointed by the court to represent a defendant
18 who is a nonresident or an absentee, the attorney shall use reasonable diligence to
19 communicate with the defendant and inform him of the pendency and nature of the
20 action or proceeding, and of the time available for the filing of an answer or the
21 assertion of a defense otherwise.

1 B. For purposes of this Article, an attorney is deemed to have acted with
2 reasonable diligence when the attorney sends an absentee a letter by certified mail
3 or commercial courier to the last known address of the absentee in an effort to locate
4 the absentee and notify him of the appointment of the attorney to represent the
5 absentee defendant.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session
HOUSE BILL NO. 227

ACT No. 371

BY REPRESENTATIVE MUSCARELLO

(On Recommendation of the Louisiana State Law Institute)

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AN ACT

To amend and reenact Code of Civil Procedure Articles 863(A), 1425(F)(1) and (2), 1436.1, 2163, 2298, 3136, and 3335, relative to civil procedure; to provide for continuous revisions to the Code of Civil Procedure; to provide for the electronic signature of pleadings; to provide for the procedure to challenge experts; to provide with respect to depositions by telephone; to provide for peremptory exceptions filed in an appellate court; to provide with respect to injunctions prohibiting sales; to provide with respect to descriptive lists of property in lieu of inventory; to provide for notice to heirs and residuary legatees; to provide for comments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 863(A), 1425(F)(1) and (2), 1436.1, 2163, 2298, 3136, and 3335 are hereby amended and reenacted to read as follows:

Art. 863. Signing of pleadings; effect

A. Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose physical address and email address for service of process shall be stated. A party who is not represented by an attorney shall sign his pleading and state his physical address and email address, if ~~he~~ the party has an email address, for service of process. If mail is not received at the physical address for service of process, a designated mailing address shall also be provided. A party or attorney may sign a pleading by electronic signature in accordance with Article 253.

* * *

1 Art. 1425. Experts; pretrial disclosures; scope of discovery

2 * * *

3 F.(1) ~~Any party may file a motion for a pretrial hearing to determine~~ A party
4 seeking to challenge whether a witness qualifies as an expert or whether the
5 methodologies employed by ~~such~~ the witness are reliable under Code of Evidence
6 ~~Articles 702 through 705 of the Louisiana Code of Evidence~~ shall file a motion for
7 a pretrial hearing. The motion shall be filed not later than sixty days prior to trial
8 and shall set forth sufficient allegations showing the necessity for these
9 determinations by the court.

10 (2) The court shall hold a contradictory hearing and shall rule on the motion
11 not later than thirty days prior to the trial. At the hearing, the court shall consider the
12 qualifications and methodologies of the proposed witness based upon the provisions
13 of Code of Evidence Articles 104(A) and 702 through 705 ~~of the Louisiana Code of~~
14 ~~Evidence~~. For good cause shown, the court may allow live testimony at the
15 contradictory hearing.

16 * * *

17 Comments - 2024

18 The amendment to Paragraph F of this Article makes clear that a pretrial
19 hearing is necessary to determine whether a witness qualifies as an expert or whether
20 the methodologies employed by the witness are reliable. This would change the
21 result reached by the First Circuit in Williams v. State Farm Mutual Automobile
22 Insurance Company, 322 So. 3d 795, 797 (La. App. 1 Cir. 2021), in which the court
23 held that the use of the permissive "may" did not mandate a pretrial motion to
24 challenge the qualifications of an expert.

25 * * *

26 Art. 1436.1. Depositions by telephone

27 If agreed upon by every party to ~~a suit~~ an action or if ordered by the court, a
28 deposition may be taken by telephone or other remote electronic means.

29 * * *

1 Art. 2163. Peremptory exception filed in appellate court; remand if prescription or
2 peremption pleaded

3 A. The appellate court may consider ~~the~~ a peremptory exception filed for the
4 first time in that court; if the exception is pleaded prior to a submission of the case
5 for a decision; and if proof of the ground of the exception appears of record.

6 B. If the ground for the peremptory exception pleaded in the appellate court
7 is prescription or peremption, the plaintiff may demand that the case be remanded
8 to the trial court for trial of the exception.

9 * * *

10 Art. 2298. Injunction prohibiting sale; damages

11 A. Injunctive relief prohibiting the sheriff from proceeding with the sale of
12 property seized under a writ of fieri facias shall be granted to the judgment debtor
13 or to a third person claiming ownership of the seized property:

14 (1) When the sheriff is proceeding with the execution contrary to law; ~~;~~

15 (2) When subsequent to the judgment payment has been made, ~~or~~
16 compensation has taken place against the judgment, or it the judgment has been
17 otherwise extinguished. If the payment, compensation, or extinguishment is for a
18 part of the judgment, the injunction shall be granted to that extent, and the execution
19 shall continue for the amount of the excess; ~~;~~

20 (3) When the judgment is for the payment of the purchase price of property
21 sold to the judgment debtor and a suit for recovery of the property has been filed by
22 an adverse claimant; ~~or.~~

23 (4) When the judgment sought to be executed is absolutely null.

24 B. In the event that injunctive relief is granted to the judgment debtor or third
25 party claiming ownership of the seized property, if the court finds the seizure to be
26 wrongful, it may allow damages. ~~Attorney's~~ Attorney fees for the services rendered
27 in connection with the injunction may be included as an element of the damages.

28 Comments - 2024

29 Paragraph B of this Article, the substance of which was enacted in 1981, is
30 intended to give the trial judge the discretion to award damages and attorney fees
31 where the seizure through executory process was wrongful. It is not intended to

1 require that damages and attorney fees be awarded in every case in which
2 injunction is issued, such as when an injunction is issued because of a technical
3 deficiency or a technical error.

4 * * *

5 Art. 3136. Descriptive list of property in lieu of inventory

6 A. Whenever an inventory of succession property otherwise would be
7 required by law, the person at whose instance the inventory would be taken may file
8 ~~with the Department of Revenue and~~ in the succession proceeding, in lieu of an
9 inventory complying with ~~articles~~ Articles 3131 through 3135, a detailed; descriptive
10 list of all succession property. This list shall be sworn to and subscribed by the
11 person filing it, shall show the location of all items of succession property, and shall
12 set forth the fair market value of each item thereof at the date of the death of the
13 deceased.

14 B. The privilege of filing a descriptive list of succession property, in lieu of
15 an inventory thereof, may be exercised without judicial authority.

16 * * *

17 Art. 3335. Notice to heirs and residuary legatees

18 A. A copy of any account filed by a succession representative shall be served
19 upon each heir or residuary legatee, together with a notice that the account may be
20 homologated after the expiration of ten days from the date of service and that any
21 opposition thereto ~~must~~ shall be filed before homologation.

22 B. In the case of any account other than the final account, service on either
23 a resident or a nonresident may be made by ordinary mail.

24 C. In the case of a final account, service may be made by either of the
25 following:

- 26 ~~(a)~~ (1) In accordance with the provisions of Article 1314; ~~or,~~
- 27 ~~(b)~~ (2) On either a resident or a nonresident, by certified or registered
28 mail on either a resident or nonresident or by use of a commercial courier that
29 requires a signed receipt from the addressee upon completion of delivery. The
30 certificate of the attorney for the succession representative that the notice and final

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 account were ~~mailed~~ sent to the heir or legatee, together with the ~~return~~ receipt
 2 signed by the addressee, shall be filed in the succession proceeding prior to
 3 homologation of the final account.

4 Comments - 2024

5 In light of the practical difficulties in the modern day of obtaining a "return
 6 receipt signed by the addressee" for certified mail, this Article was revised to allow
 7 for a final account to be served upon an heir or residuary legatee by a commercial
 8 courier that requires a signed receipt from the addressee upon completion of
 9 delivery. Moreover, service by "registered" mail was removed as an option because
 10 the addressee of a parcel sent by registered mail has the ability to waive the signature
 11 requirement and still receive the parcel.

12 Section 2. The Louisiana State Law Institute is hereby directed to delete Comment
 13 (f) of the 1960 Official Revision Comments to Code of Civil Procedure Article 2751.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session
HOUSE BILL NO. 770
BY REPRESENTATIVES CARPENTER AND TAYLOR

ACT No. 448

1 AN ACT

2 To amend and reenact R.S. 9:315.1(B) and (C), 315.11(A)(2) and (C)(1), 315.13, and
3 315.22(C) and (D) and Code of Civil Procedure Article 10(A)(9), to enact R.S.
4 9:315.14 and 315.22.1, and to repeal R.S. 9:315.21(F) and 315.22(E), relative to
5 child support guidelines; to provide relative to income used when calculating child
6 support; to provide for deviations from the child support guidelines; to provide for
7 support for adult disabled children; to provide for an effective date; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Civil Procedure Article 10(A)(9) is hereby amended and
11 reenacted to read as follows:

12 Art. 10. Jurisdiction over status

13 A. A court which is otherwise competent under the laws of this state has
14 jurisdiction of the following actions or proceedings only under the following
15 conditions:

16 * * *

17 (9) A proceeding for support of an adult child with a disability, as provided
18 in R.S. ~~9:315.22(E)~~ 9:315.22.1, if he is domiciled in, or is in, this state.

19 * * *

20 Section 2. R.S. 9:315.1(B) and (C), 315.11(A)(2) and (C)(1), 315.13, and 315.22(C)
21 and (D) are hereby amended and reenacted and R.S. 9:315.14 and 315.22.1 are hereby
22 enacted to read as follows:

1 §315.11. Voluntarily unemployed or underemployed party

2 A.

3 * * *

4 (2) ~~Absent~~ Upon an express finding by the court that evidence of a party's
5 actual income or income earning potential is totally absent, there is a rebuttable
6 presumption that the party can earn a weekly gross amount equal to thirty-two hours
7 at a minimum wage, according to the laws of his state of domicile or federal law,
8 whichever is higher.

9 * * *

10 C. A party shall not be deemed voluntarily unemployed or underemployed
11 if either:

12 (1) ~~He has been temporarily unable to find work or has been temporarily~~
13 ~~forced to take a lower-paying job as a direct result of Hurricane Katrina or Rita~~ is
14 responsible for the care of an unmarried child, of the party who is incapable of self-
15 support and requires substantial care and personal supervision by that party because
16 of an intellectual or physical disability that is manifested before the child attains the
17 age of majority. The court shall consider the particular circumstances of the child's
18 need for care, including the eligibility of the child for school or any public benefits
19 and services.

20 * * *

21 §315.13. Amounts not set forth in or exceeding schedule

22 A. If the combined adjusted gross income of the parties falls below the
23 lowest level specified in the schedule contained in R.S. 9:315.19, the court shall
24 determine an award of child support based on all of the following:

- 25 (1) Actual earnings or income.
- 26 (2) The factors listed in R.S. 9:315.11.
- 27 (3) Any other evidence of a parent's ability to pay.

28 ~~A.~~ B. If the combined adjusted gross income of the parties falls between two
29 amounts shown in the schedule contained in R.S. 9:315.19, the basic child support
30 obligation shall be based on an extrapolation between the two amounts.

1 B: C. If the combined adjusted gross income of the parties exceeds the
2 highest level specified in the schedule contained in R.S. 9:315.19, the court:

3 (1) Shall use its discretion in setting the amount of the basic child support
4 obligation in accordance with the best interest of the child and the circumstances of
5 each parent as provided in Civil Code Article 141, but in no event shall it be less than
6 the highest amount set forth in the schedule; and

7 (2) May order that a portion of the amount awarded be placed in a
8 spendthrift trust for the educational or medical needs of the child. The trust shall be
9 administered, managed, and invested in accordance with the Louisiana Trust Code.
10 The trust instrument shall name the child as sole beneficiary of the trust, shall name
11 a trustee, shall impose maximum spendthrift restraints, and shall terminate when the
12 child attains twenty-four years of age, unless the parties agree to a later date. The
13 trustee shall furnish security unless the court, in written findings of fact, dispenses
14 with security.

15 D. Under no circumstances shall the court determine an award of child
16 support that is not in the best interest of the child or would be inequitable to the
17 parties.

18 §315.14. Disabled children, proof of disability, pleadings, orders, requirements

19 A.(1) A pleading to establish, modify or continue an award of child support
20 for a minor child who has a developmental disability as defined in R.S. 28:451.2
21 shall allege facts showing that the child has such a developmental disability and that
22 the obligor has an ongoing duty to provide support until the minor child attains the
23 age of twenty-two, as long as the child is a full-time student in a secondary school.

24 (2) Any order or judgment granting or continuing an award of support for a
25 child with a developmental disability shall state that the child in question has a
26 developmental disability, as defined in R.S. 28:451.2, and is eligible for support from
27 the obligor until he attains the age of twenty-two.

28 B.(1) A pleading to establish, modify, or continue an award of child support
29 in accordance with R.S. 9:315.22.1 shall allege facts showing all of the following:

1 full-time student in a secondary school. The primary domiciliary parent or legal
2 guardian is the proper party to enforce an award of child support pursuant to this
3 Subsection.

4 (b) An award of child support shall be continued by the court with respect
5 to any minor disabled child in accordance with R.S. 9:315.22.1(A).

6 (2)(a) A contradictory motion filed under Paragraph (1) of this Subsection
7 shall be filed before the minor child in question attains the age of majority or is
8 emancipated relieving him of the disabilities attached to minority.

9 (b) A copy of the judgment continuing the support order shall be furnished
10 to all counsel of record and to all unrepresented parties appearing in the suit record.

11 (3) Nothing in this Subsection shall limit a parent's ability to agree to provide
12 continued support or the court's power to determine whether an agreement to provide
13 additional support has been made.

14 ~~E.(1) An award of child support continues or shall be set with respect to any~~
15 ~~unmarried child who, whether institutionalized or not, is incapable of self-support~~
16 ~~and requires substantial care and personal supervision because of an intellectual or~~
17 ~~physical disability that is manifested before the child attains the age of majority. A~~
18 ~~disability under this Subsection shall not include substance abuse or addiction.~~

19 ~~(2) An action under this Subsection may be filed regardless of the age of the~~
20 ~~child.~~

21 ~~(3) Either the major child or his tutor or curator is the proper party to file an~~
22 ~~action to establish, modify, or enforce an award of child support pursuant to this~~
23 ~~Subsection.~~

24 ~~(4) Except as otherwise provided in this Subsection, the substantive and~~
25 ~~procedural rights and remedies in an action relating to the establishment,~~
26 ~~modification, or enforcement of child support orders for minor children apply to an~~
27 ~~action filed, and to an award of, child support rendered under this Subsection.~~

28 ~~(5) The court shall consider the eligibility of the child for public benefits and~~
29 ~~services and may make orders necessary to promote the best interest of the child,~~
30 ~~including ordering the creation of a trust and placing the award in trust.~~

1 ~~(6) When the Department of Children and Family Services is providing~~
2 ~~support enforcement services, those services will continue under this Subsection only~~
3 ~~if the major child or his tutor or curator obtains and submits to the Department,~~
4 ~~before the child attains the age of majority, a judgment ordering the continuation of~~
5 ~~support for the child.~~

6 §315.22.1. Support for disabled children

7 A. In accordance with the child support guidelines contained in this Part, an
8 award of child support continues or shall be set with respect to any unmarried child
9 who, whether institutionalized or not, is incapable of self-support and requires
10 substantial care and personal supervision because of an intellectual or physical
11 disability that is manifested before the child attains the age of majority. A disability
12 under this Section shall not include substance abuse or addiction.

13 B. An action under this Section to establish an initial award of child support
14 may be filed regardless of the age of the child.

15 C.(1) An action to establish, modify, continue, or enforce an award of child
16 support pursuant to this Section may be filed by the domiciliary parent or any other
17 proper party as determined by the court or law.

18 (2) Nothing in this Section or any other provision of law shall be construed
19 to require the Department of Children and Family Services to obtain an order of
20 continuing tutorship or judgment of interdiction.

21 D. Except as otherwise provided in this Part, the substantive and procedural
22 rights and remedies in an action relating to the establishment, modification, or
23 enforcement of child support orders for minor children apply to an action filed, and
24 to an award of, child support rendered under this Section.

25 E. The court shall consider the eligibility of the child for public benefits and
26 services and may make orders necessary to promote the best interest of the child,
27 including ordering the creation of a trust and placing the award in trust.

28 F. Nothing in this Section shall require the Department of Children and
29 Family Services to provide support enforcement services to a family not otherwise

1 qualified to receive them under Title IV-D of the Social Security Act and related
2 portions of Title IV-A of such Act.

3 Section 3. R.S. 9:315.21(F) is hereby repealed in its entirety.

4 Section 4. This Act shall become effective January 1, 2025.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session

ACT No. 463

HOUSE BILL NO. 969 (Substitute for House Bill No. 663 by Representative Green)

BY REPRESENTATIVE GREEN

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 195.1, relative to judicial
3 proceedings conducted by remote technology; to provide for hearings; to provide for
4 judge trials; to require the court to give written reasons declining the remote
5 appearance for good cause; to provide for the consent of the parties; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Article 195.1 is hereby amended and reenacted
9 to read as follows:

10 Art. 195.1. Judicial proceedings by ~~audio-visual means~~ remote technology

11 A. ~~A hearing on any motion or exception may be conducted by any audio-~~
12 ~~visual means at the discretion of the court. If witness testimony is necessary, a party~~
13 ~~may request that the hearing be conducted in person. In any civil proceeding that~~
14 ~~does not require witness testimony or the introduction of evidence, a party may~~
15 ~~provide written notice to the court at least ten days prior to the scheduled hearing~~
16 ~~date that he will appear remotely. Provided the court has the requisite technology,~~
17 ~~the court shall allow the party to appear by any audio-visual means, unless the court~~
18 ~~provides written reasons declining the remote appearance for good cause.~~

19 B.(1) When allowing a remote appearance pursuant to this Article, the court
20 shall ensure the technology enables all parties, whether appearing remotely or in
21 person, to fully participate.

1 (2) The court shall require that a remote appearance by a party abide by any
2 necessary privacy and security requirements appropriate for the conference, hearing,
3 proceeding, or trial as established by the court.

4 C. The court shall have a process for a party, court reporter, or other court
5 personnel to alert of any technology or audibility issues arising during a remote
6 proceeding.

7 B. D. A judge trial may be conducted by any audio-visual means with the
8 consent of all parties and permission of the court.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 75

BY SENATOR MORRIS (On Recommendation of the Louisiana State Law Institute)

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 253 and 2853, Code of Criminal
3 Procedure Article 14.1, and R.S. 44:116(D) and the introductory paragraph of R.S.
4 44:116(E)(1) and R.S. 44:116(E)(2), to enact Section 4 of Chapter 3 of Title I of
5 Book VI of the Code of Civil Procedure, to be comprised of Code of Civil Procedure
6 Article 2911, Code of Criminal Procedure Article 14.2, R.S. 9:2761 and 2762, and
7 R.S. 44:117, and to redesignate Code of Civil Procedure Article 258 and R.S. 44:117,
8 relative to electronic filing and record retention; to provide for the filing of
9 pleadings, documents, and exhibits in civil proceedings; to provide for the filing,
10 retention, and recordation of testaments; to provide for electronic and facsimile
11 filings in criminal proceedings; to provide for the effectiveness of electronic records;
12 to provide for the reproduction, maintenance, and destruction or return of original
13 records; to provide for the preservation of filings in the conveyance records; to
14 provide for redesignations; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. Code of Civil Procedure Articles 253 and 2853 are hereby amended and
17 reenacted and Section 4 of Chapter 3 of Title I of Book VI of the Code of Civil Procedure,
18 to be comprised of Code of Civil Procedure Article 2911, is hereby enacted to read as
19 follows:

20 Art. 253. Pleadings, documents, and exhibits to be filed with clerk

21 A. All pleadings or documents to be filed in an action or proceeding instituted
22 or pending in a court, and all exhibits introduced in evidence, shall be delivered **or**
23 **transmitted** to the clerk of the court for ~~such~~ **that** purpose. The clerk **of court** shall
24 endorse thereon the fact and date of filing; and shall retain possession thereof for
25 inclusion in the record, or in the files of ~~his~~ **the clerk's** office, as required by law.
26 The endorsement of the fact and date of filing shall be made upon receipt of the
27 pleadings or documents by the clerk **of court** and shall be made without regard to

1 whether there are orders in connection therewith to be signed by the court.

2 B. The filings as provided in Paragraph A of this Article and all other
3 provisions of this Chapter may be transmitted electronically in accordance with a
4 system established by a the clerk of court, ~~or by Louisiana Clerks' Remote Access~~
5 ~~Authority. When such a system is established, the~~ The clerk of court shall adopt and
6 implement procedures a system for the electronic filing and storage of any pleading,
7 document, or exhibit, ~~and the official record shall be the electronic record~~ filed with
8 a pleading. A pleading or document filed electronically is deemed filed on the date
9 and time stated on the confirmation of electronic filing sent from the system, if the
10 clerk of court accepts the electronic filing. Public access to electronically filed
11 pleadings and documents shall be in accordance with the rules governing access to
12 paper filings. ~~The clerk of court may convert into an electronic record any pleading,~~
13 ~~document, or exhibit as set forth in R.S. 44:116. The originals of conveyances shall~~
14 ~~be preserved by the clerk of court.~~

15 C. The clerk of court may convert into an electronic record any pleading,
16 document, or exhibit that is filed in paper form. If requested by the filing party,
17 the clerk of court shall return to the filing party the original of any document
18 or exhibit that has been converted into an electronic record.

19 D. The official record shall be the electronic record. The original of any
20 filed document or exhibit shall be maintained by the filing party during the
21 pendency of the proceeding and until the judgment becomes final and definitive,
22 unless otherwise provided by law or order of the court. Upon request and
23 reasonable notice, the original document or exhibit shall be produced to the
24 court. Upon reasonable notice, the original document or exhibit shall be made
25 available to the opposing party for inspection.

26 E. Unless otherwise directed by the court, the original of all documents
27 and exhibits introduced or proffered into evidence, submitted with a petition for
28 executory process, or filed in a summary judgment proceeding shall be retained
29 by the clerk of court until the order or judgment becomes final and definitive.

30 ~~E.~~ F. A judge or justice presiding over a court in this state may sign a court

1 order, notice, official court document, and other writings required to be executed in
2 connection with court proceedings by use of an electronic signature as defined by
3 R.S. 9:2602.

4 ~~D. Any pleading or document in a traffic or criminal action may be filed with~~
5 ~~the court by facsimile transmission in compliance with the provision of the Code of~~
6 ~~Criminal Procedure Article 14.1.~~

7 ~~E. The clerk shall not refuse to accept for filing any pleading or other~~
8 ~~document signed by electronic signature, as defined by R.S. 9:2602, and executed~~
9 ~~in connection with court proceedings, or which complies with the procedures for~~
10 ~~electronic filing implemented pursuant to this Article, if any applicable fees for filing~~
11 ~~and transmission are paid, solely on the ground that it was signed by electronic~~
12 ~~signature.~~

13 F. **G.** If the filing party fails to comply with any **requirement of the**
14 **requirements of Paragraph A or B of** this Article, the electronic filing shall have
15 no force or effect. ~~The district courts~~ **A court** may provide by court rule for other
16 matters related to filings by electronic transmission.

17 ~~G. H.~~ The clerk of court may procure equipment, services, and supplies
18 necessary to accommodate electronic filings out of the clerk's salary fund.

19 ~~H. I.~~ All electronic filings shall include an electronic signature. For the
20 purpose of this Article, "electronic signature" means an electronic symbol or process
21 attached to or logically associated with a record and executed or adopted by a person
22 with the intent to sign the record.

23 **J. The clerk of court shall not refuse to accept for filing any pleading or**
24 **other document that is signed by electronic signature and executed in**
25 **connection with court proceedings, or that complies with the procedures for**
26 **electronic filing implemented pursuant to this Article, solely on the ground that**
27 **the pleading or document was signed by electronic signature.**

28 Comments - 2024

29
30 (a) The amendment to Paragraph B of this Article does not change the
31 rule that the clerk of court has the authority to convert any pleading,
32 document, or exhibit into an electronic record. Nevertheless, unless the court

1 directs otherwise, any original document that has legal efficacy, such as a
 2 will, codicil, trust, promissory note, authentic act, affidavit, or exhibit that
 3 may necessitate a physical examination by the trier of fact to determine an
 4 issue, must be retained by the parties until a final and definitive judgment is
 5 rendered. The judgment of a trial court becomes final and definitive when no
 6 post-trial motions or appeals are taken from the judgment. The judgment of
 7 a court of appeal becomes final and definitive if neither an application to the
 8 court of appeal for rehearing nor an application to the supreme court for a
 9 writ of certiorari is timely filed. See Article 2166(A). If a writ of certiorari
 10 is granted by the supreme court, the judgment of the supreme court becomes
 11 final and definitive when the delay for application for rehearing has expired
 12 or the application is denied. See Article 2167(B) and (C).
 13

14 (b) The amendment to Paragraph C of this Article clarifies that the clerk of
 15 court may convert into an electronic record any pleading, document, or exhibit that
 16 is filed in paper form. Even though the original document is converted into an
 17 electronic record, the original document may still be needed for examination at a
 18 hearing or trial.
 19

20 (c) The amendment to Paragraph E of this Article is new and requires that the
 21 original of all documents and exhibits introduced or proffered into evidence,
 22 submitted with a petition for executory process, or filed in a summary judgment
 23 proceeding be retained by the clerk of court until the order or judgment becomes
 24 final and definitive, unless the court otherwise directs. This does not change the law
 25 pertaining to the destruction of documents after filing. See, e.g., R.S. 13:917, 1221,
 26 1904, and 2562.26 relative to the destruction of useless records.
 27

28 * * *

29 ~~Art. 2853. Purported testament must be filed, though possessor doubts validity~~

30 **Filing of purported testament**

31
 32 **A.** If a person has possession of a document purporting to be the testament
 33 of a deceased person, even though ~~he~~ **the person** believes that the document is not
 34 the valid testament of the deceased; or has doubts concerning the validity ~~thereof, he~~
 35 **of the testament, the person** shall present it **the document** to the court with ~~his a~~
 36 petition praying that the document be filed in the record of the succession
 37 proceeding.

38 **B.** A person ~~so~~ presenting a purported testament to the court shall not be
 39 deemed to vouch for its authenticity or validity, nor ~~be~~ **be** precluded from asserting its
 40 invalidity.

41 * * *

42 **SECTION 4. RETENTION OF TESTAMENTS**

43 **Art. 2911. Retention of testaments**

1 and filing of the original document. The facsimile filing fee and transmission fee are
2 incurred upon receipt of the facsimile filing by the clerk of court and payable as
3 provided in Paragraph B of this Article. The facsimile filing shall have the same
4 force and effect as filing the original document, if the party complies with Paragraph
5 B of this Article.

6 B. Within seven days, exclusive of legal holidays, after the clerk of court
7 receives the facsimile filing, all of the following shall be delivered to the clerk of
8 court:

9 (1) The original document identical to the facsimile filing in number of pages
10 and in content of each page, including any attachments, exhibits, and orders. A
11 document **that is** not identical to the facsimile filing or ~~which~~ **that** includes pages
12 not included in the facsimile filing shall not be considered the original document.

13 (2) The fees for the facsimile filing and filing of the original document stated
14 on the confirmation of receipt, if any.

15 (3) A transmission fee of five dollars, if the defendant ~~had~~ **has** not been
16 declared indigent by the court.

17 C. If the filing party fails to comply with any of the requirements of
18 Paragraph B of this Article, the facsimile filing shall have no force or effect.

19 D. ~~Any~~ **A** court ~~district~~ may provide by court rule for any additional
20 requirement or provisions for filings by facsimile transmission.

21 E. In keeping with the clerk's policy, each clerk of court shall make available
22 the necessary equipment and supplies to accommodate facsimile filing in criminal
23 actions. Purchases for equipment and supplies necessary to accommodate facsimile
24 filings may be funded from any expense fund of the office of the clerk of court as the
25 clerks deem appropriate.

26 ~~F. The filings as provided in this article and all other provisions of this code~~
27 ~~may be transmitted electronically in accordance with a system established by a clerk~~
28 ~~of court or by the Louisiana clerks' remote access authority. When such a system is~~
29 ~~established, the clerk of court shall adopt and implement procedures for the~~
30 ~~electronic filing and storage of any pleading, document, or exhibit. Furthermore, in~~

1 a parish that accepts electronic filings covered under this paragraph, the official
 2 record shall be the electronic record. A pleading or document filed electronically is
 3 deemed filed on the date and time stated on the confirmation of electronic filing sent
 4 from the system, if the clerk of court accepts the electronic filing. Public access to
 5 electronically filed pleadings and documents shall be in accordance with the rules
 6 governing access to written filings.

7 Section 3. R.S. 9:2761 and 2762 are hereby enacted to read as follows:

8 **§2761. Effectiveness of electronic record**

9 **An electronic record filed in accordance with R.S. 44:119 shall have**
 10 **effect as to third persons in the same manner as if an original written**
 11 **instrument had been filed.**

12 **§2762. Recordation of testaments; indexing; effectiveness**

13 **If a testament is recorded in the conveyance records, the clerk of court**
 14 **shall index the testament only in the name of the testator. The recordation of the**
 15 **testament shall not itself have any effect on the rights of the heirs, legatees, and**
 16 **creditors of the succession and shall not make the provisions of the testament**
 17 **effective against third persons.**

18 Section 4. R.S. 44:116(D) and the introductory paragraph of R.S. 44:116(E)(1) and
 19 R.S. 44:116(E)(2) are hereby amended and reenacted, and R.S. 44:117 is hereby enacted, to
 20 read as follows:

21 §116. Photostatic, photographic, microfilm, or other photographic or electronic
 22 copies of records; indexes of conveyance and mortgage records;
 23 disposition; evidentiary status; preservation

24 * * *

25 D. Notwithstanding the provisions of Subsection B of this Section or any
 26 other provision of law to the contrary, for any record filed on or after January 1,
 27 2005, with the exception of records of a graphic nature, including but not limited to
 28 plats, maps, and photographs as related to the work of a Professional Land Surveyor
 29 engaged in the "Practice of Land Surveying", as defined in R.S. 37:682, a clerk of
 30 court may reproduce the record as provided in this Section and ~~may thereafter~~ **shall**

1 return the original record to the person presenting it: indicated person and to the
 2 address shown on the first page of the record, or if no such person and address
 3 is indicated, to any vendee or other transferee whose name and address are
 4 stated in the instrument. The clerk of court shall verify that the copy of the
 5 record is complete and legible prior to the return or disposal of the original
 6 record.

7 E.(1) Notwithstanding the provisions of Subsection B of this Section or any
 8 other provision of law to the contrary, with the exception of instruments filed in
 9 the conveyance records, a clerk of court shall not be required to maintain an
 10 original record filed on or prior to December 31, 2004, provided that:

11 * * *

12 (2) ~~A~~ With the exception of instruments filed in the conveyance records
 13 on or prior to December 31, 2004, a clerk of court may destroy any record provided
 14 for in this Subsection or return it to the person who ~~presented it for recordation after~~
 15 ~~the clerk receives certification from the state archivist that the records are not subject~~
 16 ~~to R.S. 44:406 or R.S. 44:427 and after the clerk has preserved the record as~~
 17 ~~provided for in this Section.~~ is indicated and to the address shown on the first
 18 page of the record, or if no such person and address is indicated, to the person
 19 who presented the record after the clerk of court has done all of the following:

20 (a) Received certification from the state archivist that the records are not
 21 subject to R.S. 44:406 or 411.

22 (b) Preserved the record as provided in this Section.

23 (c) Verified that the copy of the record is complete and legible. No cause
 24 of action for any claim shall exist against a clerk of court for any damage or loss
 25 resulting from the return or destruction of an original record in accordance with this
 26 Paragraph after receipt of the certification and proper preservation of the record.

27 * * *

28 §117. Preservation of filings in the conveyance records

29 A. The clerk of court shall preserve in perpetuity the original or, when
 30 permitted by R.S. 44:116, a complete and legible copy of each instrument filed

1 in the conveyance records.

2 B. For purposes of this Part, the conveyance records include all records,
3 however denominated, that are required by law to be indexed in the index of
4 conveyances maintained by the clerk of court.

5 Section 5. The Louisiana State Law Institute is hereby directed to redesignate
6 existing R.S. 44:117, entitled "Electronic copies of records; Lafayette Parish", as R.S. 44:118
7 and to redesignate Code of Civil Procedure Article 258 as R.S. 44:119.

8 Section 6. Nothing in this Act shall be construed to create a cause of action against
9 a clerk of court for destruction or disposition of records prior to the effective date of this Act
10 in accordance with the law in effect at the time of the destruction or disposition.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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AN ACT

To amend and reenact Code of Civil Procedure Art. 970(A) and (C), relative to motions for judgment on offer of judgment; to provide for costs and attorney fees; to provide relative to parties; to provide for certain terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 970(A) and (C), are hereby amended and reenacted to read as follows:

Art. 970. Motion for judgment on offer of judgment

A. ~~At any time more than~~ After an opportunity for adequate discovery, but not less than twenty days before the time specified for the trial of the matter, without any admission of liability, any party may serve upon an adverse party an offer of judgment for the purpose of settling all of the claims between them. The offer of judgment shall be in writing and state that it is made under this Article; specify the total amount of money of the settlement offer; and specify whether that amount is inclusive or exclusive of costs, interest, attorney fees, and any other amount which may be awarded pursuant to statute or rule. Unless accepted, an offer of judgment shall remain confidential between the offeror and offeree. If the adverse party, within ten days after service, serves written notice that the offer is accepted, either party may move for judgment on the offer. The court shall grant such judgment on the motion of either party.

* * *

C. If the final judgment obtained by the plaintiff-offeree is at least twenty-five percent less than the amount of the offer of judgment made by the defendant-offeror or if the final judgment obtained against the defendant-offeree is

1 at least twenty-five percent greater than the amount of the offer of judgment made
 2 by the plaintiff-offeror, or if the final judgment is in favor of the defendant-
 3 offeror, the offeree must pay the offeror's costs, exclusive of attorney fees, incurred
 4 after the offer was made, as fixed by the court.

5 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session

ACT No. 595

HOUSE BILL NO. 88

BY REPRESENTATIVE MELERINE

1 AN ACT

2 To amend and reenact R.S. 22:1269(B)(1)(introductory paragraph) and Code of Civil
3 Procedure Articles 42(5) and (6) and to repeal Code of Civil Procedure Article 42(7),
4 relative to venue for foreign or alien insurers; to provide proper venue in certain
5 circumstances; to repeal venue requirements for certain insurers; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1269(B)(1)(introductory paragraph) is hereby amended and
9 reenacted to read as follows:

10 §1269. Liability policy; insolvency or bankruptcy of insured and inability to effect
11 service of citation or other process; direct action against insurer

12 * * *

13 B.(1) The injured person or his survivors or heirs mentioned in Subsection
14 A of this Section, at their option, shall have a right of direct action against the insurer
15 within the terms and limits of the policy; and, such action may be brought against the
16 insurer alone, or against both the insured and insurer jointly and in solido, in the
17 parish in which the accident or injury occurred or in the parish in which an action
18 could be brought against either the insured or the insurer under the general rules of
19 venue prescribed by Code of Civil Procedure Art. 42 only; however, such action may
20 be brought against the insurer alone only when at least one of the following applies:

21 * * *

1 Section 2. Code of Civil Procedure Articles 42(5) and (6) are hereby amended and
2 reenacted to read as follows:

3 Art. 42. General rules

4 The general rules of venue are that an action against:

5 * * *

6 (5) A foreign corporation or a foreign limited liability company not licensed
7 to do business in the state, or a nonresident who has not appointed an agent for the
8 service of process in the manner provided by law, ~~other than a foreign or alien~~
9 ~~insurer~~, shall be brought in the parish of the plaintiff's domicile or in a parish where
10 the process may be, and subsequently is, served on the defendant.

11 (6) A nonresident, other than a foreign corporation ~~or a foreign or alien~~
12 ~~insurer~~, who has appointed an agent for the service of process in the manner
13 provided by law, shall be brought in the parish of the designated post office address
14 of an agent for the service of process.

15 * * *

16 Section 3. Code of Civil Procedure Article 42(7) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 466

BY SENATORS EDMONDS, ABRAHAM, CLOUD, CONNICK, FESI, HENRY, KLEINPETER, MIGUEZ, MORRIS, SEABAUGH, STINE, TALBOT AND WOMACK AND REPRESENTATIVES BAYHAM, KNOX, LAFLEUR, ROMERO AND WILDER

1 AN ACT

2 To amend and reenact R.S. 14:63(C)(2) and Code of Civil Procedure Art. 3601(E) and to
3 enact Code of Civil Procedure Art. 3601(F) and 3603(D), relative to criminal
4 trespass; to provide that occupants who fail to obey an order to vacate within five
5 days commit criminal trespass; to provide that a squatter commits criminal trespass
6 if he fails to vacate after being directed to do so by a lawful possessor; to provide for
7 injunctive relief; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:63(C)(2) is hereby amended and reenacted to read as follows:

10 §63. Criminal trespass; squatters

11 * * *

12 C. * * *

13 (2) For purposes of this Subsection, ~~the phrase:~~

14 (a)"remain **Remain** in or upon property" ~~as used in this Subsection,~~ in
15 addition to its common meaning, signification, and connotation, ~~shall include~~
16 includes:

17 (i) The continued presence of an occupant, as defined by Code of Civil
18 Procedure Article 4704, for longer than five days after being served with written
19 notice to vacate in accordance with Code of Civil Procedure Articles 4702 or
20 4703.

21 (ii) The continued presence of a squatter who has been directed to vacate
22 by a lawful possessor either verbally, by written notice, or by posting of
23 conspicuous signage advising that the property is privately owned and unlawful
24 trespass is prohibited.

25 (iii) The continued presence of a person in violation of a temporary

1 **restraining order, preliminary injunction, or a permanent injunction.**

2 ~~(iv) the~~ **The** operation of an unmanned aircraft system as defined by R.S.
 3 14:337 in the air space over immovable property owned by another with the intent
 4 to conduct surveillance of the property or of any individual lawfully on the property.

5 ~~(3) The provisions of This Subparagraph Item (1) of this Subsection shall not~~
 6 apply to any person operating an unmanned aircraft system in compliance with
 7 federal law or Federal Aviation Administration regulations or authorization.

8 **(b) "Squatter" means any person who remains in or upon property to**
 9 **which he lacks a right of possession, ownership, occupancy, or a lease interest.**

10 * * *

11 Section 2. Code of Civil Procedure Art. 3601(E) is hereby amended and
 12 reenacted and Code of Civil Procedure Art. 3601(F) and 3603(D) are hereby enacted
 13 to read as follows:

14 Art. 3601. Injunction, grounds for issuance; preliminary injunction; temporary
 15 restraining order

16 * * *

17 E. The irreparable injury, loss, or damage enumerated in Paragraph A of this
 18 Article may result from:

19 ~~(1) the~~ **The** isolation of an individual over the age of eighteen years by any
 20 other individual, curator, or mandatary, including but not limited to violations of
 21 Civil Code Article 2995 or Code of Civil Procedure Article 4566(J).

22 **(2) A person being denied the use or enjoyment of immovable property**
 23 **in which he has an ownership, possessory, or lease interest by a person who does**
 24 **not have a legal interest in the property.**

25 **F.(1) Notwithstanding the provisions of Code of Civil Procedure Article**
 26 **3610, security shall not be required for a temporary restraining order or**
 27 **preliminary injunction seeking removal of a person from immovable property**
 28 **in which he does not have a legal interest.**

29 **(2) Nothing in this Section shall prohibit a petitioner from pursuing any**
 30 **other remedy provided by law.**

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* * *
* * *
* * *

Art. 3603. Temporary restraining order; affidavit or affirmation of irreparable injury
and notification efforts

**D. The plaintiff's assertion by affidavit that he is being denied the use or
enjoyment of immovable property in which he has an ownership, possessory, or
lease interest by a person without a legal interest in the property shall be
sufficient to justify the issuance of a temporary restraining order without notice.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session
HOUSE BILL NO. 380

ACT No. 694

BY REPRESENTATIVES ZERINGUE, GREEN, JACKSON, NEWELL, AND THOMPSON

1 AN ACT

2 To amend and reenact R.S. 13:754(A) through (D) and (F) and 850(A), Code of Civil
3 Procedure Article 253, and Code of Criminal Procedure Article 14.1 and to enact
4 Code of Criminal Procedure Article 14.2, relative to electronic filings; to provide
5 relative to the membership and duties of the Louisiana Clerks' Remote Access
6 Authority; to provide relative to electronic filing standards and requirements; to
7 provide relative to facsimile transmissions; to provide for contingent effectiveness;
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 13:754(A) through (D) and (F) and 850(A) are hereby amended and
11 reenacted to read as follows:

12 §754. Louisiana Clerks' Remote Access Authority; membership; board of
13 commission; statewide portal

14 A. There is hereby created the Louisiana Clerks' Remote Access Authority
15 which shall be referred to as ~~the~~ "LCRAA".

16 B. ~~The~~ LCRAA shall provide for infrastructure, governance, standard
17 operating procedures, technology, maintenance, and training to support a statewide
18 portal with a universal interface for secure remote access by internet users to certain
19 records maintained by LCRAA members, ~~and~~ LCRAA shall provide assistance to
20 LCRAA members in procuring, implementing, enhancing, and maintaining
21 equipment, supplies, and services related to technology to facilitate electronic
22 transactions and communications and to disseminate information to the public, to
23 facilitate the operations of any member during any declared emergency, and to
24 provide for document preservation. Every district clerk of court shall facilitate

1 electronic filing, recording, and remote access through the LCRAA portal by January
 2 1, 2026. LCRAA shall work with the district clerks of court to achieve the goal of
 3 electronic filing, recording, and remote access through the universal interface on the
 4 statewide portal maintained by LCRAA.

5 C.(1) ~~The LCRAA shall be composed of members who are district clerks of~~
 6 ~~court to provide the LCRAA with secure remote access to indices of certain records~~
 7 ~~maintained by each district clerk of court. LCRAA shall adopt rules permitting~~
 8 ~~additional district clerks of court to enroll as members of LCRAA on a schedule~~
 9 ~~which shall include at least one enrollment period per fiscal year. Every district~~
 10 ~~clerk of court shall become a member of LCRAA by July 1, 2020. LCRAA shall~~
 11 ~~provide the legislature, prior to the convening of the 2020 Regular Session, with a~~
 12 ~~written progress report that includes a list of participating clerks of court by parish~~
 13 ~~and a list of clerks of court by parish not yet participating, an overview of the~~
 14 ~~information currently available through LCRAA, and information on the availability~~
 15 ~~of online records of each clerk of court by parish.~~

16 ~~D.(1)~~ (2) The LCRAA shall be governed by a ~~seven-member~~ six-member
 17 board of commissioners, referred to in this Section as the "board", and consists of the
 18 following members:

19 (a) Five commissioners to be elected by the LCRAA from the LCRAA
 20 membership.

21 (b) ~~One commissioner to be designated by the Louisiana Bankers~~
 22 ~~Association (LBA).~~

23 (c) One commissioner to be designated by the Louisiana Land Title
 24 Association (LLTA) or the Louisiana Association of Independent Land Title Agents
 25 (LAILTA). The commissioners from each association shall serve for a one-year
 26 term, alternating between the two associations. The designee of the LAILTA shall
 27 serve as the initial commissioner with the term beginning July 1, 2014, and ending
 28 June 30, 2015. The term for the designee of the LLTA shall begin on July 1, 2015,
 29 and end on June 30, 2016.

1 ~~(2)~~ (3)(a) Board members elected by the LCRAA and elected by the LBA
2 shall serve two-year terms. The initial term shall begin on July 1, 2014, and shall
3 end on June 30, 2016.

4 (b) Board members shall be eligible for election to succeeding terms without
5 limit.

6 (c) Any expired term or vacancy on the board of LCRAA shall be filled in
7 the same manner as the original appointment.

8 ~~(3)~~ (4) The board shall elect from its members a chair, a vice chair, a
9 secretary, a treasurer, and such other officers as it may deem necessary. The duties
10 of the officers shall be fixed by the by-laws adopted by LCRAA.

11 ~~(4)~~ (5) The members of the board shall serve without compensation but shall
12 be reimbursed for their reasonable expenses directly related to the governance of
13 LCRAA.

14 ~~(5)~~ (6) The domicile of LCRAA shall be in East Baton Rouge Parish.

15 D. Every clerk of court shall provide the following information to LCRAA,
16 which shall be compiled by LCRRA and submitted to the legislature no later than
17 January 1, 2025:

18 (1) The case management system or docket system software and software
19 vendor used by each parish clerk of court.

20 (2) The number and percentage of remote electronic filings and physical
21 filings of pleadings converted to electronic image by each parish clerk of court.

22 (3) The capability of the case management system or docket system of each
23 parish clerk of court to accept electronic signatures by judges and the extent of the
24 use of electronic signature systems by judges of the court.

25 (4) The costs charged by each clerk of court to persons for electronic filing
26 of civil and criminal pleadings and the amounts charged to access, view, and
27 download images of pleadings via an electronic case management system or docket
28 system.

29 (5) The costs charged by each clerk of court for electronic recording of
30 documents effecting land titles.

1 filing by the clerk of court and payable as provided in Subsection B of this Section.
2 The facsimile filing shall have the same force and effect as filing the original
3 document, if the filing party complies with Subsection B of this Section.

4 * * *

5 Section 2. Code of Civil Procedure Article 253(B) and (D) are hereby amended and
6 reenacted and Code of Civil Procedure Article 253(I) is hereby enacted to read as follows:

7 Art. 253. Pleadings, documents, and exhibits to be filed with clerk

8 * * *

9 ~~B. The filings as provided in Paragraph A of this Article and all other~~
10 ~~provisions of this Chapter may be transmitted electronically in accordance with a~~
11 ~~system established by a clerk of court or by Louisiana Clerks' Remote Access~~
12 ~~Authority.~~ B. On and after January 1, 2026, all filings as provided in Paragraph A
13 of this Article and all other provisions of this Chapter filed by an attorney shall be
14 transmitted electronically through the system selected by the filing attorney. The
15 filing shall be made in accordance with the system established by a clerk of court or
16 by Louisiana Clerks' Remote Access Authority. The filer shall be responsible for
17 ensuring private information is not included in filings. No filing shall include the
18 first five digits of any social security number, tax identification numbers, state
19 identification numbers, driver's license numbers, financial account numbers, full
20 dates of birth, or any information protected from disclosure by state or federal law.

21 When such a system is established, the clerk of court shall adopt and implement
22 procedures for the electronic filing and storage of any pleading, document, or
23 exhibit, and the official record shall be the electronic record. A pleading or
24 document filed electronically is deemed filed on the date and time stated on the
25 confirmation of electronic filing sent from the system, if the clerk of court accepts
26 the electronic filing. Public access to electronically filed pleadings and documents
27 shall be in accordance with the rules governing access to paper filings. The clerk of
28 court may convert into an electronic record any pleading, document, or exhibit as set

1 forth in R.S. 44:116. ~~The originals of conveyances shall be preserved by the clerk~~
2 ~~of court.~~

3 * * *

4 D. ~~Any~~ Until January 1, 2026, any pleading or document in a traffic or
5 criminal action may be filed with the court by facsimile transmission in compliance
6 with the provision of the Code of Criminal Procedure Article 14.1.

7 * * *

8 I. Upon adoption of uniform filing standards by the LCRAA, no clerk of
9 court shall accept a filing not in accordance with said standards.

10 * * *

11 Section 3. Code of Criminal Procedure Article 14.1(A) and (F) are hereby amended
12 and reenacted and Code of Criminal Procedure Article 14.1(G) is hereby enacted to read as
13 follows:

14 Art. 14.1. Filing of pleadings and documents by facsimile or electronic transmission

15 A. ~~Any~~ Until January 1, 2026, any document in a traffic or criminal action
16 may be filed with the clerk of court by facsimile transmission if permitted by the
17 policy of the clerk of court. Filing shall be deemed complete at the time the
18 facsimile transmission is received by the clerk of court. No later than on the first
19 business day after receiving a facsimile filing, the clerk of court shall transmit to the
20 filing party via facsimile a confirmation of receipt and include a statement of the fees
21 for the facsimile filing and filing of the original document. The facsimile filing fee
22 and transmission fee are incurred upon receipt of the facsimile filing by the clerk of
23 court and payable as provided in Paragraph B of this Article. The facsimile filing
24 shall have the same force and effect as filing the original document, if the party
25 complies with Paragraph B of this Article.

26 * * *

27 F. Upon adoption of uniform filing standards by the LCRAA, no clerk of
28 court shall accept a filing not in accordance with the standards adopted by the
29 LCRAA.

1 F. ~~The~~ G. Beginning January 1, 2026, all filings as provided in this Article
 2 and all other provisions of this Code ~~may~~ filed by an attorney shall be transmitted
 3 electronically through the system selected by the filing attorney. The filing shall be
 4 made in accordance with a the system established by a clerk of court or by the
 5 Louisiana Clerks' Remote Access Authority. The filer shall be responsible for
 6 ensuring private information is not included in filings. No filing shall include the
 7 first five digits of any social security number, tax identification numbers, state
 8 identification numbers, driver's license numbers, financial account numbers, full
 9 dates of birth, or any information protected from disclosure by state or federal law.
 10 When such a system is established, the clerk of court shall adopt and implement
 11 procedures for the electronic filing and storage of any pleading, document, or
 12 exhibit. Furthermore, in a parish that accepts electronic filings covered under this
 13 Paragraph, the official record shall be the electronic record. A pleading or document
 14 filed electronically is deemed filed on the date and time stated on the confirmation
 15 of electronic filing sent from the system, if the clerk of court accepts the electronic
 16 filing. Public access to electronically filed pleadings and documents shall be in
 17 accordance with the rules governing access to written filings.

18 Section 4. Code of Civil Procedure Article 253 is hereby amended and reenacted to
 19 read as follows:

20 Art. 253. Pleadings, documents, and exhibits to be filed with clerk
 21 A. All pleadings or documents to be filed in an action or proceeding
 22 instituted or pending in a court, and all exhibits introduced in evidence, shall be
 23 delivered or transmitted to the clerk of the court for ~~such~~ that purpose. The clerk of
 24 court shall endorse thereon the fact and date of filing; and shall retain possession
 25 thereof for inclusion in the record, or in the files of ~~his~~ the clerk's office, as required
 26 by law. The endorsement of the fact and date of filing shall be made upon receipt of
 27 the pleadings or documents by the clerk of court and shall be made without regard
 28 to whether there are orders in connection therewith to be signed by the court.

29 B.(1) The filings as provided in Paragraph A of this Article and all other
 30 provisions of this Chapter may be transmitted electronically in accordance with a

1 system established by a the clerk of court, ~~or by Louisiana Clerks' Remote Access~~
2 ~~Authority. When such a system is established, the~~ The clerk of court shall adopt and
3 ~~implement procedures~~ a system for the electronic filing and storage of any pleading,
4 document, or exhibit, ~~and the official record shall be the electronic record~~ filed with
5 a pleading. A pleading or document filed electronically is deemed filed on the date
6 and time stated on the confirmation of electronic filing sent from the system, if the
7 clerk of court accepts the electronic filing. Public access to electronically filed
8 pleadings and documents shall be in accordance with the rules governing access to
9 paper filings. ~~The clerk of court may convert into an electronic record any pleading,~~
10 ~~document, or exhibit as set forth in R.S. 44:116. The originals of conveyances shall~~
11 ~~be preserved by the clerk of court.~~

12 (2) On and after January 1, 2026, all filings as provided in Paragraph A of
13 this Article and all other provisions of this Chapter filed by an attorney shall be
14 transmitted electronically in accordance with a system established by a clerk of court
15 or by Louisiana Clerks' Remote Access Authority. The filer shall be responsible for
16 ensuring private information is not included in filings. No filing shall include the
17 first five digits of any social security number, tax identification numbers, state
18 identification numbers, driver's license numbers, financial account numbers, full
19 dates of birth, or any information protected from disclosure by state or federal law.
20 The clerk of court shall adopt a system for the electronic filing and storage of any
21 pleading, document, or exhibit filed with a pleading. A pleading or document filed
22 electronically is deemed filed on the date and time stated on the confirmation of
23 electronic filing sent from the system, if the clerk of court accepts the electronic
24 filing. Public access to electronically filed pleadings and documents shall be in
25 accordance with the rules governing access to paper filings.

26 C. The clerk of court may convert into an electronic record any pleading,
27 document, or exhibit that is filed in paper form. If requested by the filing party, the
28 clerk of court shall return to the filing party the original of any document or exhibit
29 that has been converted into an electronic record.

1 D. The official record shall be the electronic record. The original of any filed
 2 document or exhibit shall be maintained by the filing party during the pendency of
 3 the proceeding and until the judgment becomes final and definitive, unless otherwise
 4 provided by law or order of the court. Upon request and reasonable notice, the
 5 original document or exhibit shall be produced to the court. Upon reasonable notice,
 6 the original document or exhibit shall be made available to the opposing party for
 7 inspection.

8 E. Unless otherwise directed by the court, the original of all documents and
 9 exhibits introduced or proffered into evidence, submitted with a petition for
 10 executory process, or filed in a summary judgment proceeding shall be retained by
 11 the clerk of court until the order or judgment becomes final and definitive.

12 Ɖ. F. A judge or justice presiding over a court in this state may sign a court
 13 order, notice, official court document, and other writings required to be executed in
 14 connection with court proceedings by use of an electronic signature as defined by
 15 R.S. 9:2602.

16 ~~D. Any pleading or document in a traffic or criminal action may be filed with~~
 17 ~~the court by facsimile transmission in compliance with the provision of the Code of~~
 18 ~~Criminal Procedure Article 14.1.~~

19 ~~E. The clerk shall not refuse to accept for filing any pleading or other~~
 20 ~~document signed by electronic signature, as defined by R.S. 9:2602, and executed~~
 21 ~~in connection with court proceedings, or which complies with the procedures for~~
 22 ~~electronic filing implemented pursuant to this Article, if any applicable fees for filing~~
 23 ~~and transmission are paid, solely on the ground that it was signed by electronic~~
 24 ~~signature.~~

25 F. G. If the filing party fails to comply with any requirement of the
 26 requirements of Paragraph (A) or (B)(1) of this Article, the electronic filing shall
 27 have no force or effect. ~~The district courts~~ A court may provide by court rule for
 28 other matters related to filings by electronic transmission.

29 ~~G. H.~~ H. The clerk of court may procure equipment, services, and supplies
 30 necessary to accommodate electronic filings out of the clerk's salary fund.

1 H. I. All electronic filings shall include an electronic signature. For the
2 purpose of this Article, "electronic signature" means an electronic symbol or process
3 attached to or logically associated with a record and executed or adopted by a person
4 with the intent to sign the record.

5 J. The clerk of court shall not refuse to accept for filing any pleading or other
6 document that is signed by electronic signature and executed in connection with
7 court proceedings, or that complies with the procedures for electronic filing
8 implemented pursuant to this Article, solely on the ground that the pleading or
9 document was signed by electronic signature.

10 K. Upon adoption of uniform filing standards by the LCRAA, no clerk of
11 court shall accept a filing not in accordance with the adopted standards.

12 Section 5. Code of Criminal Procedure Article 14.1 is hereby amended and reenacted
13 and Code of Criminal Procedure Article 14.2 is hereby enacted to read as follows:

14 Art. 14.1. ~~Filing of pleadings and documents by facsimile or electronic transmission~~

15 Electronic filings

16 A. Until January 1, 2026, any document in a traffic or criminal action may
17 be transmitted electronically in accordance with a system established by the clerk of
18 court. The clerk of court shall adopt a system for the electronic filing and storage of
19 any pleading, document, or exhibit other than those documents or exhibits introduced
20 and filed at a hearing or trial. Furthermore, in a court that accepts electronic filings
21 in accordance with this Paragraph, the official record shall be the electronic record.
22 A pleading or document filed electronically is deemed filed on the date and time
23 stated on the confirmation of electronic filing sent from the system, if the clerk of
24 court accepts the electronic filing. Public access to electronically filed pleadings and
25 documents shall be in accordance with the rules governing access to written filings.

26 B. Beginning January 1, 2026, all filings as provided in this Article and all
27 other provisions of this Code filed by an attorney shall be transmitted electronically
28 in accordance with a system established by a clerk of court or by the Louisiana
29 Clerks' Remote Access Authority. The filer shall be responsible for ensuring private
30 information is not included in filings. No filing shall include the first five digits of

1 any social security number, tax identification numbers, state identification numbers,
 2 driver's license numbers, financial account numbers, full dates of birth, or any
 3 information protected from disclosure by state or federal law. The clerk of court shall
 4 adopt a system for the electronic filing and storage of any pleading, document, or
 5 exhibit other than those documents or exhibits introduced and filed at a hearing or
 6 trial. Furthermore, in a court that accepts electronic filings in accordance with this
 7 Paragraph, the official record shall be the electronic record. A pleading or document
 8 filed electronically is deemed filed on the date and time stated on the confirmation
 9 of electronic filing sent from the system, if the clerk of court accepts the electronic
 10 filing. Public access to electronically filed pleadings and documents shall be in
 11 accordance with the rules governing access to written filings.

12 C. Upon adoption of uniform filing standards by the LCRAA, no clerk of
 13 court shall accept a filing not in accordance with the adopted standards.

14 Art. 14.2. Facsimile filings

15 A. ~~Any~~ Until January 1, 2026, any document in a traffic or criminal action
 16 may be filed with the clerk of court by facsimile transmission ~~if permitted by~~
 17 pursuant to the policy of the clerk of court. Filing shall be deemed complete at the
 18 time the facsimile transmission is received by the clerk of court. No later than on the
 19 first business day after receiving a facsimile filing, the clerk of court shall transmit
 20 to the filing party via facsimile a confirmation of receipt and include a statement of
 21 the fees for the facsimile filing and filing of the original document. The facsimile
 22 filing fee and transmission fee are incurred upon receipt of the facsimile filing by the
 23 clerk of court and payable as provided in Paragraph B of this Article. The facsimile
 24 filing shall have the same force and effect as filing the original document, if the party
 25 complies with Paragraph B of this Article.

26 B. Within seven days, exclusive of legal holidays, after the clerk of court
 27 receives the facsimile filing, all of the following shall be delivered to the clerk of
 28 court:

- 29 (1) The original document identical to the facsimile filing in number of
 30 pages and in content of each page₂, including any attachments, exhibits, and orders.

1 A document that is not identical to the facsimile filing or ~~which~~ that includes pages
 2 not included in the facsimile filing shall not be considered the original document.

3 (2) The fees for the facsimile filing and filing of the original document stated
 4 on the confirmation of receipt, if any.

5 (3) A transmission fee of five dollars, if the defendant ~~had~~ has not been
 6 declared indigent by the court.

7 C. If the filing party fails to comply with any of the requirements of
 8 Paragraph B of this Article, the facsimile filing shall have no force or effect.

9 D. ~~Any~~ A court ~~district~~ may provide by court rule for any additional
 10 requirement or provisions for filings by facsimile transmission.

11 E. In keeping with the clerk's policy, each clerk of court shall make available
 12 the necessary equipment and supplies to accommodate facsimile filing in criminal
 13 actions. Purchases for equipment and supplies necessary to accommodate facsimile
 14 filings may be funded from any expense fund of the office of the clerk of court as the
 15 clerks deem appropriate.

16 F. Upon adoption of uniform filing standards by the LCRAA, no clerk of
 17 court shall accept a filing not in accordance with the adopted standards.

18 ~~F. The filings as provided in this Article and all other provisions of this Code~~
 19 ~~may be transmitted electronically in accordance with a system established by a clerk~~
 20 ~~of court or by the Louisiana Clerks' Remote Access Authority. When such a system~~
 21 ~~is established, the clerk of court shall adopt and implement procedures for the~~
 22 ~~electronic filing and storage of any pleading, document, or exhibit. Furthermore, in~~
 23 ~~a parish that accepts electronic filings covered under this Paragraph, the official~~
 24 ~~record shall be the electronic record. A pleading or document filed electronically is~~
 25 ~~deemed filed on the date and time stated on the confirmation of electronic filing sent~~
 26 ~~from the system, if the clerk of court accepts the electronic filing. Public access to~~
 27 ~~electronically filed pleadings and documents shall be in accordance with the rules~~
 28 ~~governing access to written filings.~~

29 Section 6.(A) Sections 2 and 3 of this Act shall become effective only if Senate Bill
 30 No. 75 of the 2024 Regular Session is not enacted and does not become law.

1 (B) Sections 4 and 5 of this Act shall become effective only if Senate Bill No. 75 of
2 the 2024 Regular Session is enacted and becomes law. If Senate Bill No. 75 of the 2024
3 Regular Session is enacted and becomes law, then the provisions of Sections 4 and 5 of this
4 Act supersede and control to the extent of any conflict between this Act and the Act that
5 originated as Senate Bill No. 75 of the 2024 Regular Session.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session
HOUSE BILL NO. 803
BY REPRESENTATIVE MUSCARELLO

ACT No. 789

(On Recommendation of the Louisiana State Law Institute)

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 42(5) and (6), and to repeal Sections
3 1 and 2 of the Act that originated as House Bill No. 88 of the 2024 Regular Session
4 of the Legislature, relative to civil procedure; to provide relative to venue; to provide
5 relative to prescription; to provide for an effective date for the Act that originated as
6 Senate Bill No. 246 of the 2024 Regular Session of the Legislature; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Civil Procedure Articles 42(5) and (6) are hereby amended and
10 reenacted to read as follows:

11 Art. 42. General rules

12 The general rules of venue are that an action against:

13 * * *

14 (5) A foreign corporation or a foreign limited liability company not licensed
15 to do business in the state, or a nonresident who has not appointed an agent for the
16 service of process in the manner provided by law, ~~other than a foreign or alien~~
17 ~~insurer~~, shall be brought in the parish of the plaintiff's domicile or in a parish where
18 the process may be, and subsequently is, served on the defendant except when
19 service is made pursuant to R.S. 22:335.

20 (6) A nonresident, other than a foreign corporation ~~or a foreign or alien~~
21 ~~insurer~~, who has appointed an agent for the service of process in the manner

1 provided by law, shall be brought in the parish of the designated post office address
2 of an agent for the service of process.

3 * * *

4 Section 2. Sections 1 and 2 of the Act that originated as House Bill No. 88 of the
5 2024 Regular Session of the Legislature are hereby repealed in their entirety.

6 Section 3. The Act that originated as Senate Bill No. 246 of the 2024 Regular Session
7 of the Legislature shall become effective on June 14, 2024; if vetoed by the governor and
8 subsequently approved by the legislature, the Act that originated as Senate Bill No. 246 of
9 the 2024 Regular Session of the Legislature shall become effective on June 14, 2024, or on
10 the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____