

HOW LONG TO RETAIN NOTES

ACT No. 545
HOUSE BILL NO. 1608
BY: MR. DOWNER

AN ACT

To amend and reenact Code of Civil Procedure Article 372, relative to a court reporter's notes and tape recordings of a civil case, to provide for the time period for retention by the recorder of the notes and recordings, to specify the circumstances under which the notes and recordings need not be retained and maybe destroyed. To provide for ownership of the notes and recordings, and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1 Code of Civil Procedure Article 372 is hereby amended and reenacted to read as follows:

Art. 372 Court Reporter

A. The court reporter of a trial court, when directed by the court, shall report verbatim in shorthand by stenography or stenotype or by voice recording or any other recognized manner when the equipment therefor has been approved by the court, the testimony of all witnesses, the other evidence introduced or offered, the objections thereto, and the rulings of the court thereon, on the trial of any appealable civil case or matter.

When the court so directs, or the fees therefor have been paid or secured, or when an appeal has been granted in cases in which a party has been permitted to litigate without the payment of costs,

he shall transcribe verbatim in a manner approved by the supreme court, all of his notes taken at the trial, or such portion thereof as is designated. He shall file one copy of the transcript in the trial court, shall deliver a copy there to each of the parties who has paid therefor; and, when an appeal has been granted, he shall furnish to the clerk of the trial court the number of copies of the transcript required by law.

B. The court reporter shall retain all notes and tape recordings in civil cases for a period of not less than five years after the end of the trial. However, if the record of the trial is fully transcribed, the court reporter shall retain all notes and tape recordings, which have been fully transcribed for a period of not less than two years after transcription is completed. The court reporter shall destroy any notes and tape recordings of any matter upon order of a court of competent jurisdiction.

The notes and tape recordings of any civil case which are retained by a court reporter pursuant to the provisions of this Article shall be the property of the court in which the case was heard. The court reporter shall have the duty to retain and maintain all such notes and tape recordings pursuant to the provisions of this Article, although the notes and tape recordings shall remain the property of the court.

C. He shall perform such other duties as are assigned to him by law or by the court.

Approved by the Governor, July 2, 1986.

A true copy
James H "Jim" Brown
Secretary of State

ACT No. 546
HOUSE BILL NO. 1609
BY: MR. DOWNER
AN ACT

To enact Part XII of Chapter 2 of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R. S. 15:511, relative to a court reporter's notes and tape recordings of a criminal case, to provide for the time period for retention by the reporter of the notes and recordings, to specify the circumstances under which the notes and recordings need not be retained and may be destroyed, to provide for ownership of the notes and recordings, and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part XII of Chapter 2 of Title 15 of the Louisiana Revised Statutes of 1950.

Comprised of R. S. 15:511, is hereby enacted to read as follows:

**PART XII
COURT REPORTERS
NOTES AND RECORDINGS**

511. Court reporters, retention and destruction of notes and recordings of criminal cases.

A. The court reporter shall retain indefinitely all notes and tape recordings of a criminal case. However, if the record of the trial or other criminal proceeding is fully transcribed the court reporter shall retain all notes and tape recordings which have been fully transcribed for a period of not less than two years after

transcription is completed in criminal cases where all defendants are acquitted, the court reporter need not retain the notes and tape recordings. The court reporter shall destroy any notes and tape recordings of any matter upon order of a court of competent jurisdiction.

B. The notes and tape recordings of any criminal case which are retained by a court reporter pursuant to the provisions of this Section shall be the property of the court in which the case was heard. The court reporter shall have the duty to retain and maintain all such notes and tape recordings pursuant to the provisions of this Section, although the notes and tape recordings shall remain the property of the court.

Approved by the Governor.
July 2, 1986.

A true copy:

James H. "Jim" Brown
Secretary of State