

ACT No. 268

2017 Regular Session

HOUSE BILL NO. 227

BY REPRESENTATIVE SHADOIN

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AN ACT

To amend and reenact Code of Civil Procedure Article 1446(A)(1), relative to depositions; to provide procedures for the sealing of certain depositions; to provide for delivery of electronically sealed depositions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1446(A)(1) is hereby amended and reenacted to read as follows:

Art. 1446. Certification by officer; custody of deposition; exhibits; copies; notice of availability for inspection or copying; cost of originals and copies of transcripts

A.(1)(a) The officer as defined in Article 1434(B) shall certify on the deposition that the witness was duly sworn and that the deposition is a true record of the testimony given by the witness.

(b) The officer shall do either of the following:

(i) Securely ~~He shall then securely~~ seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly and simultaneously send it by United States mail or by courier to the party at whose request the deposition was taken, who shall become the custodian of the deposition, and to all other parties to the action who have ordered a copy of the deposition transcript.

(ii) At the request of the parties, seal the deposition electronically by secure electronic means approved by rules promulgated by the Louisiana Board of Examiners of Certified Shorthand Reporters and shall promptly and simultaneously deliver the deposition electronically to the party at whose request the deposition was

1 taken and to all other parties to the action who have ordered a copy of the deposition
2 transcript. The party at whose request the deposition was taken shall then become the
3 custodian of the deposition.

4 (c) The original of the deposition shall not be filed in the record, but shall be
5 made available to all other parties in the matter for inspection or copying. The
6 failure or lack of filing such original in the record shall not affect the use or
7 admissibility of the original at trial or by the court if otherwise authorized or
8 provided by law.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____