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ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

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OPINION 15-0010

46-A FEES & COSTS

La. R.S. 13:1889
La. C.C.P. art. 251.

La. R.S. 13:1910

Ms. Kristy Tilbury
Clerk of Court
City Court of Bastrop
P.O. Drawer 391
Bastrop, LA 71221-0391

Pursuant to La. R.S. 13:1910, the City Court of Bastrop may use funds from its Judicial Building Fund to pay an online electronic storage service fee.

Dear Ms. Tilbury:

Our office received your opinion request submitted on behalf of the City Court of Bastrop ("City Court") asking about the use of funds collected pursuant to La. R.S. 13:1910. In 2009, the City Court began collecting a ten dollar service fee in accordance with La. R.S. 13:1910. This fee was approved by the local governing authority through the adoption of Resolution 09-1268. The City Court places the fees collected pursuant to La. R.S. 13:1910 into a Judicial Building Fund, the use of which is specifically restricted by La. R.S. 13:1910(C) for the acquisition, leasing, construction, equipping, and maintenance of a new or existing city court.

Due to a lack of storage space at the City Court, suit records are being electronically stored off site. These suit records are scanned by employees of the City Court and stored electronically in a Cloud. The suit records can then be accessed online when needed from the Cloud. The City Court currently pays the fee for this electronic storage service from its operating account. You have asked whether it would be permissible for the City Court to pay this electronic storage service fee from its Judicial Building Fund. It is your belief that paying the monthly electronic storage fee is no different than paying for the construction of additional rooms for file storage racks or filing shelves, or leasing additional storage space for these files, which would be authorized by La. R.S. 13:1910.

La. R.S. 13:1910 states as follows:

A. In all cases over which a city court has jurisdiction, the court may impose a service charge not to exceed ten dollars per filing. The fee shall be paid to the clerk of court at the time of filing. The collection of the filing fee shall be subject to the provisions of Code of Civil Procedure Article 5181 et seq.

B. In each proceeding where a fine is imposed or court costs are ordered to be paid, a service charge not to exceed ten dollars may be collected by the appropriate entity, which shall be in addition to all other fines, costs, or forfeitures lawfully imposed.

C. All monies collected in accordance with this Section shall be forwarded to the court and placed in an account dedicated exclusively to the acquisition, leasing, construction, equipping, and maintenance of new and existing city courts and for the maintenance and payment of any bond indebtedness on any such existing facilities.

D. The court shall have control over the fund and all disbursements made from the fund.

E. The city court shall obtain prior approval of the local governing authority within the territorial jurisdiction of the court, through the adoption of a resolution or ordinance, before the fund is created and the fees authorized by this Section are imposed.

F. No bonds or other obligations shall be issued or sold unless prior written approval of the State Bond Commission is obtained.

As stated above, money collected pursuant to La. R.S. 13:1910 must be placed in an account dedicated exclusively to the "acquisition, leasing, construction, equipping, and maintenance of new and existing city courts and for the maintenance and payment of any bond indebtedness on any such existing facilities." We note that the City Court is required to maintain suit records and make them available and accessible to court personnel and the general public.¹ Making space for these records in a manner that allows access and availability was historically accomplished by either providing space in the courthouse facility or procuring an offsite location, such as an archives building, where records were retrieved and returned upon request. However, modern technology provides another alternative in the form of electronic storage of court records which eliminates the need for physical space and allows access and availability to the records. Maintaining a courthouse requires court records be accessible and available, and providing such can be accomplished either by expanding existing courthouse facilities, leasing space offsite, or by electronic storage, all of which would be an authorized expenditure pursuant to Louisiana Revised Statute 13:1910(C). Accordingly, it is our opinion that the funds collected pursuant to La. R.S. 13:1910 may be used to pay an online electronic storage service fee.²

¹ La. C.C.P. art. 251.

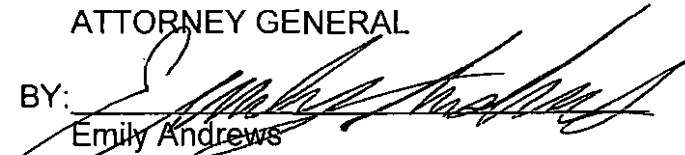
² We note that La. R.S. 13:1889 (A) requires the city to furnish the city court with adequate fireproof vaults or other filing equipment for the preservation of the records of the court.

We hope that this opinion has adequately addressed the questions you have submitted. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

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ATTORNEY GENERAL

BY:



Emily Andrews
Assistant Attorney General

JDC: EGA