



RICHARD P. IEYOUNG
ATTORNEY GENERAL

State of Louisiana

DEPARTMENT OF JUSTICE

Baton Rouge

70804-9005

P.O. Box 94005
TEL: (504) 342-7013
FAX: (504) 342-7335

June 18, 1998
OPINION 98-183

Honorable Steve J. Mortillaro
Justice of the Peace
3501 Metairie Ave S.
Metairie, LA 70001

90-C Public Records
LSA-R.S. 44:36

Justice of the Peace must maintain public records for a period of at least three years from the date the public record was made.

Dear Mr. Mortillaro:

The time constraints for the maintenance of public records is addressed by LSA-R.S. 44:36, pertinently providing:

§ 36. Preservation of records

A. All persons and public bodies having custody or control of any public record, other than conveyance, probate, mortgage, or other permanent records required by existing law to be kept for all time, shall exercise diligence and care in preserving the public record for the period or periods of time specified for such public records in formal records retention schedules developed and approved by the state archivist and director of the division of archives, records management, and history of the Department of State. However, in all instances in which a formal retention schedule has not been executed, such public records shall be preserved and maintained for a period of at least three years from the date on which the public record was made. . . . (Emphasis added).

You will need to maintain your public records for a period of at least three years beginning from the date on which the public record was made.

Very truly yours,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

BY: Kerry L. Kilpatrick
KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

KLK:ams