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## DIGEST

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HB 184 Engrossed

2022 Regular Session

Gregory Miller

**Abstract:** Provides with respect to the recusal of judges.

Present law (C.C.P. Art. 154(B)) requires a district judge who is the subject of a motion to recuse to either recuse himself or request that the supreme court appoint an ad hoc judge to hear the motion.

Proposed law provides that the actions required by present law must be done no later than seven days after the district judge's receipt of the motion from the clerk of court.

Present law (C.C.P. Art. 158) provides for the recusal of a judge of a court of appeal.

Proposed law provides that if a motion to recuse a judge of a court of appeal fails to set forth a ground for recusal, the judge who is the subject of the motion may deny it without the appointment of another judge or hearing, but the judge shall give written reasons for the denial.

Present law (C.C.P. Art. 153) allows a judge to recuse himself in any cause in which a ground for recusal exists.

Proposed law adds a Comment to present law providing that the fact that a judicial complaint has been filed against the judge by one of the parties, without more, does not constitute a ground for recusal.

Present law (C.C.P. Art. 4862) provides that when a written motion is made to recuse a parish or city court judge or a justice of the peace, the judge or justice of the peace shall either recuse himself or the motion to recuse shall be tried.

Proposed law provides that the actions required by present law must be done no later than seven days after the parish or city court judge's or justice of the peace's receipt of the motion from the clerk of court.

Proposed law provides that if a motion to recuse a parish or city court judge or justice of the peace fails to set forth a ground for recusal, the judge or justice of the peace who is the subject of the motion may deny it without the appointment of another judge or hearing, but the judge shall give written reasons for the denial.

(Amends C.C.P. Arts. 154(B) and 4862; Adds C.C.P. Art. 158(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Add recusal provisions relative to parish and city court judges and justices of the peace.