

SENATE BILL NO. 217

BY SENATOR MORRIS

1 AN ACT

2 To amend and reenact R.S. 13:1137(B), 1302, 1312(A), (B), (C), and (D)(1), 1335, 1337(A)
3 and (B), 1343(A), 1344(A) and (D), 1347(A)(3), (B), and (C), 1383, 1384, 1595,
4 2151(D), 2151.4(D), 2492(A)(1), (5), and (6), to enact R.S. 13:1312(E) and (F), and
5 2492(A)(8), and to repeal R.S. 13:1304, 1347(D), (F), and (G), 1595.1, and
6 2492(A)(7)(b), relative to courts in Orleans Parish; to provide for the number of
7 court judges and commissioners; to provide for payment of court expenses from the
8 Consolidated Judicial Expense Fund; to provide for an effective date; and to provide
9 for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 13:1137(B), 1302, 1312(A), (B), (C), and (D)(1), 1335, 1337(A) and
12 (B), 1343(A), 1344(A) and (D), 1347(A)(3), (B), and (C), 1383, 1384, 1595, 2151(D),
13 2151.4(D), 2492(A)(1), (5), and (6) are hereby amended and reenacted and R.S. 13:1312(E)
14 and (F), and 2492(A)(8) are hereby enacted to read as follows:

15 §1137. Civil district court for the Parish of Orleans; jurisdiction

16 * * *

17 B. The court **of appeal with jurisdiction over the parish of Orleans** has
18 appellate jurisdiction over all cases tried in the city courts of New Orleans ~~where the~~
19 ~~amount in dispute, value of the movable property involved, or fund to be distributed~~
20 ~~does not exceed one hundred dollars, exclusive of interest. These appeals shall be~~
21 ~~tried de novo by a single judge, and without a jury; however, the Civil District Court~~
22 ~~for the Parish of Orleans may provide by rule that no evidence shall be admitted on~~
23 ~~the trial de novo which was not offered in the city court unless it is shown to the~~
24 ~~satisfaction of the court that despite the exercise of reasonable diligence by the party~~
25 ~~offering it such evidence could not have been produced at the trial in the city court.~~

26 * * *

27 §1302. Criers

1 and shall file the audit with the office of the legislative auditor where it shall be
2 available for public inspection.

3 B. The ~~judges of the Civil District Court for the Parish of Orleans and the~~
4 ~~First and Second City Courts of the city of New Orleans, sitting en banc,~~ **executive**
5 **committee of the Consolidated Judicial Expense Fund for the parish of Orleans**
6 shall have control over the judicial expense fund for the parish of Orleans, accruing
7 and accrued, and to this end shall fix and regulate from time to time the number of
8 deputies and employees of the offices of the clerks of the City Courts and their
9 expenses, and also shall have the power to fix the tariff of costs and charges to be
10 paid for official services in the offices, which are paid into, and constitute the fund;
11 due publication of which tariff, when made, shall be given. They shall have power
12 to determine whether any amounts from the fund shall be devoted to the expense or
13 payment of taking testimony by shorthand and to regulate and provide for the same.
14 The judges are authorized to contribute out of the fund, to the embellishment,
15 maintenance, improvement or repair, or both, of each courtroom, the courthouse
16 itself or its furnishings, or both, and may contribute to any pension, retirement
17 system and group hospitalization plans to which officers and employees paid out of
18 the fund may belong.

19 C. The ~~judges, en banc,~~ **executive committee of the Consolidated Judicial**
20 **Expense Fund for the parish of Orleans** may further appoint such secretarial,
21 clerical, research, administrative, or other personnel as they deem necessary to
22 expedite the business and function of the court and fix and pay all or any part of the
23 salaries of such personnel out of the monies in the judicial expense fund. In like
24 manner, the ~~judges, en banc,~~ **executive committee of the Consolidated Judicial**
25 **Expense Fund for the parish of Orleans** may utilize the monies in the judicial
26 expense fund to pay all or any part of the cost of establishing or maintaining, or both,
27 a law library for the court, or for buying or maintaining, or both, any type of
28 equipment, supplies, or other items consistent with or germane to the efficient
29 operation of the court. In general, the judicial expense fund is established and may
30 be used for any purpose or purposes connected with, incidental to, or related to the

1 proper administration or function of the said court or the offices of the individual
 2 judges and is in addition to any and all other funds, salaries, expenses, or other
 3 monies that are now or hereafter provided, authorized, or established by law for any
 4 of the aforesaid purposes.

5 D.(1) The ~~judges, en banc,~~ **executive committee of the Consolidated**
 6 **Judicial Expense Fund for the parish of Orleans** may utilize the monies in the
 7 judicial expense fund to pay all or any part of the cost of planning, designing, and
 8 constructing a new courthouse for the parish of Orleans, which shall house the
 9 following courts and all related support offices:

- 10 (a) Civil District Court.
- 11 (b) First and Second City Courts.
- 12 (c) Juvenile Courts.

13 * * *

14 **E. All funds collected pursuant to R.S. 22:822(B)(3) or that would**
 15 **otherwise be deposited in the Judicial Expense Fund for Criminal District Court**
 16 **as provided for in R.S. 13:1381.4 shall instead be deposited into the**
 17 **Consolidated Judicial Expense Fund for Orleans Parish as created pursuant to**
 18 **this Section.**

19 **F. The executive committee of the Consolidated Judicial Expense Fund**
 20 **for Orleans Parish shall be comprised of the following members: two judges**
 21 **appointed by the civil district court judges; two judges appointed by the**
 22 **criminal district court judges; one judge appointed by the city court judges; and**
 23 **two sitting and two retired judges appointed by the supreme court. The**
 24 **executive committee shall have the authority to govern the fund.**

25 §1335. Criminal district court for the parish of Orleans

26 **A.** There shall be one criminal district court for the parish of Orleans, which
 27 shall be composed of ~~twelve~~ **nine** judges.

28 **B.(1) Divisions A, E, and J of the Criminal District Court for the parish**
 29 **of Orleans shall be abolished in accordance with this Section.**

30 **(2) No qualifying shall be opened for any successor to a judgeship that**

1 is abolished pursuant to this Subsection, and no election shall be held for any
2 judgeship abolished pursuant to this Subsection.

3 * * *

4 §1337. Appellate and supervisory jurisdiction; writs

5 A. The ~~Criminal District Court~~ **Court of appeal with jurisdiction** for the
6 Parish of Orleans shall have appellate jurisdiction of all cases tried before the
7 Municipal Court of New Orleans and the Traffic Court of New Orleans. Appeals
8 from the municipal and traffic courts shall be on the law and the facts and shall be
9 tried upon the records made and the evidence offered in said courts by the judge to
10 whom the appeal shall be allotted. ~~In all cases tried before the judges of the criminal~~
11 ~~district court in which an appeal does not lie to the supreme court, an appeal shall lie~~
12 ~~on questions of law and fact to two or more of the judges of the criminal district~~
13 ~~court, as prescribed by said court. The criminal district court shall adopt rules~~
14 ~~regulating the manner of taking and hearing and deciding such appeals.~~

15 B. The ~~Criminal District Court~~ **Court of appeal with jurisdiction** for the
16 Parish of Orleans shall have general supervisory jurisdiction over the municipal and
17 traffic courts of New Orleans and shall have authority to issue writs of habeas corpus
18 in criminal cases, as well as such other writs and orders as are necessary in aid of the
19 jurisdiction of the court.

20 * * *

21 §1343. Allotment of cases among judges; holding of preliminary examination not
22 ground for recusation

23 A. All cases pending in the criminal district court shall be allotted equally
24 among ~~Sections A, B, C, D, E, F, G, H, I, J, K, and L~~ **the divisions** of the court.
25 Except on Sundays, legal holidays, and legal half-holidays, the allotment of cases
26 shall be made public by classes daily at noon by the clerk or a deputy clerk selected
27 by him, in the presence of the district attorney. The fact the accused was committed
28 for trial at a preliminary examination shall not be grounds for the recusation of the
29 trial judge who held the preliminary examination.

30 * * *

1 §1344. Homicide section; Orleans Parish Criminal District Court; assignment of
 2 judges; jurisdiction; transfer of cases; expedited handling of writs and
 3 appeals; applicability of section to other district courts

4 A. The judges of the Criminal District Court for the parish of Orleans ~~who~~
 5 ~~are in office on August 15, 2009~~, may create the homicide section of that court, by
 6 rule of court adopted by the judges sitting en banc. The rule may designate not less
 7 than one incumbent judge who may be assigned to a homicide section in accordance
 8 with the rules of the Criminal District Court for the parish of Orleans.

9 * * *

10 D. Any homicide section, court, or **other special** division adopted pursuant
 11 to R.S. 13:587.4 **or other authority** shall conform to the ~~extent practicable to the~~
 12 ~~provisions of this Section~~ **rules of court provided that the rules and assignments**
 13 **shall be subject to the general supervisory authority of the supreme court**
 14 **pursuant to Article V of the Constitution of Louisiana.**

15 * * *

16 §1347. Commissioners of magistrate section

17 A. * * *

18 (3) The judges of the criminal district court, sitting en banc, shall determine
 19 the further powers, duties, functions, and policy affecting the offices of
 20 commissioner, not inconsistent with the provisions of this Section **provided that the**
 21 **rules shall be subject to general supervision of the supreme court pursuant to**
 22 **Article V of the Constitution of Louisiana. Unless otherwise provided by any**
 23 **rule adopted by the court in accordance with this Paragraph, the commissioners**
 24 **shall have the same authority for cases within the jurisdiction of the Orleans**
 25 **Criminal Court as a commissioner pursuant to R.S. 13:713, including the**
 26 **authority to make a report and recommendation to the judges concerning**
 27 **claims for post-conviction relief by the incarcerated.**

28 **(4) The salaries of commissioners may be optionally supplemented by the**
 29 **city of New Orleans or the Consolidated Judicial Expense Fund for the parish**
 30 **of Orleans, as determined by its executive committee, provided that total**

1 Parish of Orleans, designated as Sections A through ~~J L~~ **subject to the provisions**
 2 **of R.S. 13:1335 or other applicable law.** Each shall be presided over by one of the
 3 judges. The judges shall hold court in one building to be provided by the city of New
 4 Orleans.

5 §1384. Criminal district courts; office or positions and functions

6 Each criminal district court in the parish of Orleans shall have a position or
 7 office of judicial administrator, deputy judicial administrator, and assistants, ~~at least~~
 8 ~~thirteen law clerks, and at least four secretaries~~ **and law clerks and secretaries for**
 9 **each section at amounts approved by the executive committee of the**
 10 **Consolidated Judicial Expense Fund for the parish of Orleans,** and shall provide
 11 for the conduct of the jury commission and sanity hearings, the cost of all of which
 12 shall be appropriated in the appropriation bill which provides for judicial expenses
 13 and shall be allocated by the Judicial Budgetary Control Council to such court. **The**
 14 **amount necessary in excess of the amount appropriated may be charged on the**
 15 **Consolidated Judicial Expense Fund or otherwise, when already required by**
 16 **law, shall be paid by the parish of Orleans.**

17 * * *

18 §1595. Judges; criers and stenographers

19 A. ~~In addition to Sections "A", "B", and "C" of the Juvenile Court for the~~
 20 ~~Parish of Orleans, there is hereby created a new section of the court to be designated~~
 21 ~~as Section "D". The additional judge created by this Section shall be known as the~~
 22 ~~judge of Section "D" of the Juvenile Court for the Parish of Orleans. Each judge shall~~
 23 ~~have the right to appoint a crier and stenographer for his own section of the court,~~
 24 ~~who shall perform the same duties and receive the same compensation, payable in~~
 25 ~~the same manner and from the same sources as similar officials in other sections of~~
 26 ~~the court. The judge of Section "D" of the juvenile court shall be elected by the~~
 27 ~~voters of Orleans Parish concurrently with the next election for mayor of the city of~~
 28 ~~New Orleans.~~

29 B. ~~The judgeship created for Section "D" of the Juvenile Court for the parish~~
 30 ~~of Orleans shall be abolished effective December 31, 2014, at midnight.~~

1 the amount in dispute, as defined in Code of Civil Procedure Article 4841(B), or the
2 value of the property involved, does not exceed ~~twenty-five~~ **fifty** thousand dollars.

3 * * *

4 §2492. Number of judges; qualifications; election; salary; vacation

5 A. (1)The Municipal and Traffic Court of New Orleans shall consist of eight
6 judgeships through December 31, 2020. ~~Thereafter~~ **Until January 1, 2027**, it shall
7 consist of seven judgeships. **Thereafter it shall consist of five judgeships.**

8 * * *

9 (5) Division "H" and the judgeship for Division "H" shall be abolished
10 December 31, 2020, effective at midnight. **Divisions "B" and "F" and the**
11 **judgeships for Divisions "B" and "F" shall be abolished on December 31, 2026,**
12 **effective at midnight.** The other divisions shall remain unchanged as previously
13 designated Divisions "A" through "G".

14 (6) A vacancy in Divisions "A", ~~through~~ **"C", "D", "E", and "G"** shall be
15 filled by election to that division as provided in this Section.

16 * * *

17 **(8) Excluding the judgeships provided for in Paragraph (5) of this**
18 **Subsection and notwithstanding any other provision of this Subsection, the first**
19 **judgeship becoming vacant by death, resignation, retirement, or removal of any**
20 **division after December 31, 2026, shall be abolished at midnight of such day. If**
21 **any incumbent judge is prohibited from serving in office at the commencement**
22 **of the next term due to the provisions of Article V, Section 23 of the**
23 **Constitution of Louisiana, that division shall be considered as vacant by**
24 **retirement solely for the purposes of this Paragraph as of the end of that term**
25 **and no qualifying shall be opened for a successor if that seat is the judgeship**
26 **that is required to be abolished pursuant to this Paragraph.**

27 * * *

28 Section 2. R.S. 13:1304, 1347(D), (F), and (G), 1595.1, and 2492(A)(7)(b) are hereby
29 repealed.

30 Section 3. Any judge and the related division otherwise abolished pursuant to this

1 Act shall remain in effect only to the end of the current term of office. No provision of this
 2 Act shall deprive any judge in office of the ability to serve the entire remainder of his current
 3 unexpired term of office. To effectuate the provisions of this Act, no further elections shall
 4 be held for any judgeship abolished pursuant to the provisions of this Act, including for any
 5 division repealed under either Section 1 or 2 of this Act.

6 Section 4. This Act shall become effective upon signature by the governor or, if not
 7 signed by the governor, upon expiration of the time for bills to become law without signature
 8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 10 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____