

2016 Regular Session

HOUSE BILL NO. 600

BY REPRESENTATIVE LEGER

1 AN ACT

2 To amend and reenact R.S. 13:2492(A), (B), (D), (E), and (F), 2493(A), (B), and (C),  
3 2495(B), 2495.1(A), 2496(A), 2496.2(A), 2496.3(F) and (G)(3), 2497(A), 2498,  
4 2499, 2500.1(A), 2500.2, and 2501 and to repeal R.S. 13:2493(G) and 2496.1,  
5 relative to the Municipal and Traffic Court of New Orleans; to provide for divisions  
6 of court; to provide for qualifications of judges; to provide for the number of  
7 judgeships; to provide for the salaries of judges; to provide relative to the  
8 appointment of ad hoc judges; to provide relative to court reporters and other court  
9 employees; to provide relative to law enforcement; to provide for an effective date;  
10 and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 13:2492(A), (B), (D), (E), and (F), 2493(A), (B), and (C), 2495(B),  
13 2495.1(A), 2496(A), 2496.2(A), 2496.3(F) and (G)(3), 2497(A), 2498, 2499, 2500.1(A),  
14 2500.2, and 2501 are hereby amended and reenacted to read as follows:

15 §2492. Number of judges; qualifications; election; salary; vacation

16 A. The Municipal and Traffic Court of New Orleans shall consist of eight  
17 judges, all of whom must be attorneys-at-law, who shall be elected by the qualified  
18 electors of the parish of Orleans. They shall not be less than thirty years of age.  
19 Each shall have practiced law in the state for at least ~~five~~ eight years preceding his  
20 election; ~~and shall be a duly qualified elector of the parish of Orleans and shall be~~  
21 domiciled in the parish of Orleans for at least two years prior to his election.

22 (1) Each of the eight judges, ~~one of whom shall be the judge of the housing~~  
23 ~~court division, for the purposes of nomination and election only,~~ shall preside over  
24 separate and distinct divisions of the court.

1           (2) The divisions provided for in Paragraph (1) of this Subsection shall be  
2           designated alphabetically as Division "A", Division "B", Division "C", Division "D",  
3           Division "E", Division "F", Division "G", and Division "H".

4           (3)(a) The judges presiding over Divisions A through D shall not engage in  
5           the practice of law nor share in the profits, directly or indirectly, of any law firm or  
6           legal corporation. The judges assigned to Divisions A through D shall receive a  
7           salary equal to a district judge but not more salary paid, from all sources, to the  
8           district court judges in and for the parish of Orleans, of which the amount payable  
9           by the state to city judges of the state shall be paid by the state and the remainder  
10          shall be payable by the city of New Orleans. The salary shall be payable monthly  
11          by his own warrant.

12          (b)(i)(aa) Beginning at midnight on December 31, 2022, the judge presiding  
13          over Division E shall not engage in the practice of law nor share in the profits,  
14          directly or indirectly, of any law firm or legal corporation.

15          (bb) Beginning at midnight on December 31, 2023, the judge presiding over  
16          Division F shall not engage in the practice of law nor share in the profits, directly or  
17          indirectly, of any law firm or legal corporation.

18          (cc) Beginning at midnight on December 31, 2024, the judge presiding over  
19          Division G shall not engage in the practice of law nor share in the profits, directly  
20          or indirectly, of any law firm or legal corporation.

21          (ii) Beginning on the applicable date as provided in Item (i) of this  
22          Subparagraph, a judge in Division E, F, and G shall receive a salary equal to a  
23          district judge but not more salary paid, from all sources, to the district court judges  
24          in and for the parish of Orleans, of which the amount payable by the state to city  
25          judges of the state shall be paid by the state and the remainder shall be payable by  
26          the city of New Orleans. The salary shall be payable monthly by his own warrant.

27          (4) Effective on January 1, 2017, and thereafter, the following shall occur:  
28          the judge serving in Municipal Court Division A shall transfer to Division A of the

1           Municipal and Traffic Court of New Orleans; the judge serving in Municipal Court  
 2           Division B shall transfer to Division E of the Municipal and Traffic Court of New  
 3           Orleans; the judge serving Division C of Municipal Court shall transfer to Division  
 4           C of the Municipal and Traffic Court of New Orleans; the judge serving in Division  
 5           D of Municipal Court shall transfer to Division F of the Municipal and Traffic Court  
 6           of New Orleans; the judge serving Division A of Traffic Court shall transfer to  
 7           Division H of the Municipal and Traffic Court of New Orleans; the judge serving in  
 8           Division B of Traffic Court shall transfer to Division B of Municipal and Traffic  
 9           Court of New Orleans; the judge serving in Division C of Traffic Court shall transfer  
 10          to Division D of the Municipal and Traffic Court of New Orleans; and the judge  
 11          serving in Division D of Traffic Court shall transfer to Division G of Municipal and  
 12          Traffic Court of New Orleans.

13                   (5)(a) Effective at midnight on December 31, 2020, the judgeship created for  
 14                   Division H of the Municipal and Traffic Court of New Orleans shall be abolished.  
 15                   If a vacancy by death, resignation, retirement, or removal occurs in any other  
 16                   division of the Municipal and Traffic Court of New Orleans prior to December 31,  
 17                   2020, the judgeship in that division shall be abolished instead of the judgeship in  
 18                   Division H.

19                   (b) Upon abolishment of the judgeship in Division H or the judgeship that  
 20                   becomes vacant by death, resignation, retirement or removal as provided by the  
 21                   provisions of this Section, all cases of the abolished section of court shall be  
 22                   reallotted equally by the clerk of court among the remaining sections of the court.

23                   B. Each of the judges shall be elected for an ~~eight year~~ eight-year term at the  
 24                   regular congressional election held immediately preceding the expiration of such  
 25                   term. Every term shall expire on December thirty-first of the last year thereof. Any  
 26                   vacancy in the court for any cause where the unexpired term is less than one year  
 27                   shall be filled temporarily by appointment by the ~~governor~~ Louisiana Supreme Court  
 28                   until the next succeeding congressional election, at which time such vacancy shall

1 be filled for the remainder of the unexpired term by election. All judges so elected  
2 shall take their office on the first day of January following their election.

3 \* \* \*

4 D. Each of the judges of the Municipal and Traffic Court of New Orleans  
5 shall have annual vacation ~~of not to exceed~~ thirty days, the time to be fixed by the  
6 rules of the court.

7 E. Whenever any of the judges are temporarily absent because of court  
8 business, illness, or while on vacation, a judge ad hoc may be ~~appointed by the~~  
9 ~~judges of the municipal and traffic court, acting en banc,~~ selected pursuant to the  
10 rules of the Louisiana Supreme Court to serve during the period of such temporary  
11 absence. The judge ad hoc shall have the qualifications for election to the office, and  
12 his compensation shall be ~~proportionately equal to that of the judge for whom he is~~  
13 ~~appointed to serve~~ determined by the judges en banc; and shall be payable ~~in the~~  
14 ~~same manner and from the same source or sources as that of such judge~~ by the city  
15 of New Orleans pursuant to warrant of the judge who is temporarily absent.

16 F. The judge of the Municipal and Traffic Court of New Orleans having the  
17 most seniority shall become the ~~senior and~~ administrative judge during his tenure of  
18 office and shall not engage in the practice of law or share in the profits, directly or  
19 indirectly, of any law firm or legal corporation. The ~~senior and~~ administrative judge  
20 of the Municipal and Traffic Court of New Orleans shall possess the same  
21 qualifications that are required of district court judges and shall receive a salary ~~of~~  
22 ~~not less than eighteen thousand dollars per annum, but not more than~~ equal to the  
23 salary paid, from all sources, to the district court judges in and for the parish of  
24 Orleans. The governing authority of Orleans Parish shall determine the salary paid  
25 to the ~~senior and~~ administrative judge, of which the amount payable by the state to  
26 city judges of the state shall be paid by the state and the remainder shall be payable  
27 by the city of New Orleans. The salary of the ~~senior and~~ administrative judge shall  
28 be payable monthly on his own warrant. Should the senior judge decline the position  
29 of ~~senior and~~ administrative judge then the judges of the municipal and traffic court,  
30 sitting en banc, shall choose a judge to assume the position.

1 §2493. Jurisdiction

2 A. The jurisdiction of the court shall extend to the trial of violations of the  
3 ordinances of the city of New Orleans, including the ~~regulation~~ enforcement of  
4 traffic violations within the city of New Orleans.

5 B. The jurisdiction of the courts shall further extend to the trial of violations  
6 of state statutes which are not triable by a jury, which jurisdiction shall be  
7 concurrent with that of the Criminal District Court for the Parish of Orleans.

8 C. The jurisdiction of the court shall further extend to the trial of offenses  
9 involving traffic and the regulation thereof punishable by state statute including  
10 violations of the Criminal Code of Louisiana involving traffic and the trial of  
11 violations relating to street and highway regulatory laws and such other state laws  
12 as relate to the operation of a vehicle. The jurisdiction over state traffic offenses  
13 shall be concurrent with the Criminal District Court for the Parish of Orleans. In  
14 addition, every prosecution in the Municipal and Traffic Court of New Orleans ~~under~~  
15 ~~state law~~ shall be filed in the court by affidavit or bill of information under the  
16 provision of state law defining the offense ~~and such prosecution shall be brought by~~  
17 ~~the city attorney of New Orleans~~. The jurisdiction of the court shall further extend  
18 to appeals by any person aggrieved by an administrative hearing officer's decision  
19 concerning a traffic violation enforced by the city of New Orleans' automated traffic  
20 enforcement system. Any aggrieved person shall file such appeal within thirty days  
21 after the date of such decision. The court shall have de novo review over such  
22 appeals. The court shall adopt rules regulating the manner of taking, hearing, and  
23 deciding such appeals.

24 \* \* \*

25 §2495. Clerk of court

26 \* \* \*

27 B. The salary of the clerk of the municipal and traffic court shall be  
28 determined and set by ~~a three-fourths majority~~ of the judges of the court en banc;



1           ~~Orleans~~ or the Municipal and Traffic Court of New Orleans. The first appearance  
2           hearing officer may hold hearings at the facilities where city prisoners are  
3           incarcerated.

4                   G. The first appearance hearing officer shall have all such powers and duties  
5           not inconsistent with the constitution and laws of this state, the constitution and laws  
6           of the United States, and the rules of the Municipal and Traffic Court of New  
7           Orleans, and the duties assigned to the hearing officer by the judges of that court,  
8           including the following powers and duties:

9   \*       \*       \*

10                   (3) To sign orders including issuance of peace bonds and protective  
11           orders for cases triable in the Municipal and Traffic Court of New Orleans.

12   \*       \*       \*

13           §2497. Deputy clerks; appointment; salaries; removal

14                   A. The clerk of the Municipal and Traffic Court of New Orleans shall  
15           appoint such deputies, assistants and employees as the legislature may provide as are  
16           necessary for the operation of the court. ~~There shall not be less than twenty deputy~~  
17           ~~clerks and other employees of the court.~~

18   \*       \*       \*

19           §2498. Appeal; proceedings; record; hearing

20                   A. There shall be a right of appeal in all cases from the Municipal and  
21           Traffic Court of New Orleans to the criminal district court for the parish of Orleans.  
22           The appeals shall be on the law and the facts and shall be ~~tried by the judge~~ reviewed  
23           by the appellate division of the criminal district court to whom the appeal shall be  
24           allotted upon the records made and the evidence offered in the Municipal and Traffic  
25           Court of New Orleans. The criminal district court shall have general and supervisory  
26           jurisdiction over the Municipal and Traffic Court of New Orleans, and may issue  
27           such writs and orders as may be necessary in aid of its appellate and supervisory  
28           jurisdiction.

29                   B. ~~The court reporters of the court shall, in all cases, take down the~~  
30           ~~testimony verbatim. The stenographic notes need not be written out unless an appeal~~

1 is taken, in which case the testimony shall be written out and signed by the judge.  
 2 In cases of appeal the clerk shall prepare the record for the appellate court. This will  
 3 consist of the affidavit bond, testimony and every document, instrument, property  
 4 or thing whatsoever in possession of the court, filed in the trial of the case, together  
 5 with the ordinance or ordinances on which the prosecution is based. The clerk shall  
 6 make, in duplicate, a list of each specific thing, whose correctness shall be certified  
 7 to by the judges to one of the lists. This record, and all it contains, and the signed list  
 8 shall then be filed with the clerk of the criminal district court who will receipt for  
 9 same after signing the other list. When the appeal is taken it divests the Municipal  
 10 and Traffic Court of New Orleans from all further jurisdiction in the case. The  
 11 judges shall appoint a competent court reporter to take the evidence in any case in  
 12 which it is necessary to do so under the law applicable to district courts, unless the  
 13 parties waive the appointment of a reporter. At the request of any party, the judges  
 14 shall order the transcription of the testimony taken by the court reporter. Upon  
 15 completion of the renovation to the Municipal and Traffic Court of New Orleans and  
 16 proper integration of technology, digital recording procedures may be used by the  
 17 assigned court reporter.

18 C. ~~In all appeals, the appeal shall be heard by one of the judges of the~~  
 19 ~~criminal district court. No appeal shall be taken except when taken on the day of~~  
 20 ~~sentence. All appeals taken from the judgment of the Municipal and Traffic Court~~  
 21 ~~of New Orleans shall be by oral or written motion in open court, and they shall be~~  
 22 ~~returnable to the criminal district court within five days. Upon application to the~~  
 23 ~~appellate court, this term may, in case of necessity, be extended.~~

24 ~~D.~~ In no case shall the appellant be responsible for any error, omission, or  
 25 oversight in the record of the appeal.

26 §2499. Quarters, furniture, and stationery; police detail

27 The city of New Orleans shall provide suitable rooms, furniture, stationery,  
 28 and other operating expenses for the Municipal and Traffic Court of New Orleans,  
 29 and the Orleans Parish Sheriff's Office, the city constable, or department of police  
 30 of the city of New Orleans shall detail, subject to such rules as it may adopt, the





1 clerk of the Municipal and Traffic Court of New Orleans to be used by the court to  
2 defray its expenses.

3 ~~(2) The Municipal and Traffic Court of New Orleans shall by court rule~~  
4 ~~provide procedures for the timely collection and accounting of the fees imposed by~~  
5 ~~this Section. All fees collected under this Section shall be remitted to the municipal~~  
6 ~~and traffic court judicial administrator for deposit into a special fund designated as~~  
7 ~~the municipal and traffic court consolidated judicial expense fund.~~

8 ~~€.~~ In all prosecutions in the Municipal and Traffic Court of New Orleans,  
9 including all traffic violations other than parking, there ~~shall~~ may be ~~taxed~~ assessed  
10 as additional costs against every defendant for every offense who is convicted after  
11 trial or plea of guilty or nolo contendere or who forfeits his bond, a sum not to  
12 exceed thirty dollars, which shall be in addition to all other fines, costs, or forfeitures  
13 lawfully imposed and which shall be transmitted to the consolidated judicial expense  
14 fund of the Municipal and Traffic Court of New Orleans to be used by the court to  
15 defray its expenses.

16 \* \* \*

17 §2501. Fines imposed remitted monthly to city treasurer

18 Each judge of the Municipal and Traffic Court of New Orleans shall ensure  
19 that all fines ~~imposed by him~~ are collected are ~~and~~ remitted monthly to the city  
20 treasurer of New Orleans.

21 Section 2. R.S. 13:2493(G) and 2496.1 are hereby repealed in their entirety.

22 Section 3. To promote judicial efficiency, the judges of the Municipal and Traffic  
23 Court of New Orleans shall have the flexibility of determining the number of judges who  
24 shall preside over matters involving violations of ordinances of the city of New Orleans and  
25 matters involving traffic violations, provided that the total number of judges does not exceed  
26 that provided in R.S. 13:2492.

1 Section 4. The provisions of this Act shall become effective on January 1, 2017.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_