

2017 Regular Session

HOUSE BILL NO. 560

BY REPRESENTATIVE HUNTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/PROCEDURE: Provides with respect to legislative continuance

1 AN ACT

2 To amend and reenact R.S. 13:4163(B) and (I), relative to legislative continuances; to
3 provide for the granting of legislative continuances on the court's own motion, and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:4163(B) and (I) are hereby amended and reenacted to read as
7 follows:

8 §4163. Ex parte motion for legislative continuance or extension of time; legislators
9 or employees engaged in legislative or constitutional convention activities

10 * * *

11 B. The peremptory grounds for continuance or extension is available to and
12 for the benefit of a member or legislative employee and may only be asserted or
13 waived by a member or employee, except as provided by Subsection I of this
14 Section.

15 * * *

16 I.(1) For sufficient cause shown, the court may consider a motion for
17 legislative continuance or extension at any time prior to the hearing or proceeding.

18 (2) The court may grant a continuance or extension on its own motion upon
19 receiving consent from the member of the legislature and without the member being
20 required to fulfill the filing and delay requirements of this Section.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 560 Engrossed

2017 Regular Session

Hunter

Abstract: Authorizes the court grant a legislative continuance or extension on its own motion upon receiving consent from the member of the legislature.

Present law provides that a member of the legislature and a legislative employee shall have peremptory grounds for continuance or extension of a criminal case, civil case, or administrative proceeding.

Present law provides that the peremptory grounds for continuance are available:

- (1) Any time between 30 days prior to the original call to order and 30 days following the adjournment sine die of any legislative session.
- (2) Any time between 30 days prior to convening and 30 days following adjournment sine die of any constitutional convention.

Present law also provides that peremptory grounds are available when a legislator or employee is engaged in activities in connection with or ordered by: (1) the legislature; (2) any legislative committee or subcommittee appointed by the president of the Senate or the speaker of the House of Representatives; (3) any committee or commission appointed by the governor or other person authorized to make such appointments; or (4) any constitutional convention or commission.

Proposed law retains present law and authorizes the court to grant a legislative continuance or extension on its own motion upon receiving consent from the member of the legislature.

(Amends R.S. 13:4163(B) and (I))