

2018 Regular Session

HOUSE BILL NO. 538

BY REPRESENTATIVES DWIGHT AND DANAHAY

COURTS/MAGISTRATES: Provides for a magistrate judge in the 14th JDC

1 AN ACT

2 To enact R.S. 13:589, relative to Fourteenth Judicial District Court; to provide for the
3 creation of a magistrate judge position; to provide relative to an election; to provide
4 for duties of the magistrate judge; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:589 is hereby enacted to read as follows:

7 §589. Fourteenth Judicial District Court Magistrate Judge

8 A. The office of magistrate judge of the Fourteenth Judicial District Court
9 is hereby created and shall be an elected position. The magistrate judge shall be
10 elected from election sections one and three combined. Initial election shall
11 commence in the fall of 2020 and the elected term shall begin January 1, 2021. The
12 magistrate judge will serve a six-year term, the position will be full-time, and the
13 magistrate judge will not be allowed to practice law.

14 B. The salary of the magistrate judge of the Fourteenth Judicial District
15 Court shall be seventy-five percent of the salary paid to judges of the Fourteenth
16 Judicial District Court per annum, and the salary and related benefits as provided by
17 law shall be payable in the same manner from the same sources as the salary and
18 benefits of a judge of the Fourteenth Judicial District Court. The support services
19 and personnel including minute clerks and stenographers, as shall be necessary for
20 the offices of the magistrate judge, and such supporting services and personnel shall

1 be paid from the same source as the same positions in the Fourteenth Judicial District
2 Court.

3 C. The magistrate judge of the Fourteenth Judicial District Court created in
4 this Section shall hold court in the same building as is provided for the other judges
5 of the court and, with the approval of the judges of the Fourteenth Judicial District
6 Court, may hear and preside over all criminal matters, except the adjudication of
7 felony charges, including but not limited to preliminary motions, conduct extradition
8 hearings, accept pleas in misdemeanor cases, hear and render judgments in other
9 matters, including misdemeanor cases, preliminary to the trial on the merits, conduct
10 trials of misdemeanor cases, have authority to set bail, and sign and issue search and
11 arrest warrants upon probable cause being shown in accordance with law.

12 (1) Hear preliminary criminal motions.

13 (2) Handle all pre-trial matters.

14 (3) Accept pleas in misdemeanor cases.

15 (4) Conduct trial on misdemeanor matters.

16 (5) Sign and issue search and arrest warrants upon probable cause being
17 shown in accordance with law.

18 (6) Preside over all specialty or problem solving courts, including but not
19 limited to drug court, mental health court, behavior health court, and veterans court
20 and any other specialty courts created after the effective date of this Section. This
21 includes the authority to sanction participants in accordance with program
22 guidelines.

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 538 Engrossed

2018 Regular Session

Dwight

Abstract: Establishes the magistrate judge position in the Fourteenth Judicial District Court and provides for duties, salary, and election of the magistrate judge.

Proposed law provides for the creation of the magistrate judge of the Fourteenth Judicial District Court, to be elected from election sections one and three combined. The salary of

this position shall be equal to 75% of the salary paid to judges of the Fourteenth Judicial District Court. The magistrate judge will have jurisdiction over criminal matters that do not include jury trials or felony guilty pleas. Additionally, the magistrate judge will have jurisdiction over all specialty or problem solving courts.

Proposed law provides that the elected term of the magistrate judge begins on Jan. 1, 2021. The magistrate judge will serve for a term of 6 years, the position shall be full-time, and the magistrate judge will not be able to practice law.

(Adds R.S. 13:589)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Change the title of the office from magistrate to magistrate judge.
2. Provide that the elected term shall start Jan. 1, 2021, and will allow the magistrate judge to serve for 6 years. Add that the position will be full-time and the magistrate judge will not be able to practice law.
3. Authorize the magistrate judge to have jurisdiction over specialty courts created after the effective date of proposed law.