
DIGEST

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HB 217 Original

2023 Regular Session

LaFleur

Abstract: Authorizes the appointment of two additional commissioners of the 19th JDC.

Present law provides that the 19th JDC shall appoint two commissioners to be designated as Section A and Section B, respectively.

Proposed law authorizes the appointment of two additional commissioners and creates two new sections, Section C and Section D, respectively.

Present law provides that the salary of each commissioner, in addition to any supplements or emoluments provided by law, shall be 90% of the state-funded portion of the salary paid to a district judge.

Present law provides that the salary and related benefits of each commissioner are to be payable in the same manner and from the same sources as the salary of a district court judge.

Proposed law retains present law for the salary and related benefits of the commissioners of Section A and Section B.

Proposed law provides that the salary and related benefits of the commissioners of the new sections, Section C and Section D, shall be paid from funds available to the 19th JDC.

Present law authorizes the commissioners of the 19th JDC to hear and provide a recommendation of disposition in any civil or criminal matter assigned by rule of court or by any judge of the 19th JDC.

Proposed law retains present law and adds domestic violence matters assigned by rule of court or by any judge of the 19th JDC.

Present law provides that the commissioner shall have certain powers related to criminal cases as follows:

- (1) To administer oaths and affirmations.
- (2) To take acknowledgments, affidavits, and depositions.
- (3) To sign orders.

- (4) To act on felony and misdemeanor charges.
- (5) To hear preliminary motions.
- (6) To accept pleas in misdemeanor cases including misdemeanor cases preliminary to trial on the merits.
- (7) To conduct trials of misdemeanor cases.
- (8) To fix bail.
- (9) To sign and issue search and arrest warrants upon probable cause hearing shown and in accordance with the law.

Proposed law retains present law and authorizes the commissioner to act on felony and misdemeanor charges through arraignment, but does not authorize the commissioner to accept guilty pleas.

Proposed law authorizes the commissioner to hear preliminary motions prior to filing the bill of information or indictment and make recommendations to the district judge.

Proposed law further provides that the commissioner shall have the additional powers as follows:

- (1) Conduct seventy-two hour hearings or call out, as defined by proposed law.
- (2) Sign waivers of extradition only upon written consent of the defendant and the expressed waiver of the defendant's right to have his extradition heard by a district court.
- (3) Supervise defendants sentenced under the provisions of the specialty courts in accordance with the policies established by the judges of the 19th JDC.
- (4) Supervise all conditions of bail bonds.
- (5) Review and act on petitions for protective order and matters of domestic violence, including the issuance of temporary orders of protection and temporary restraining orders, until such time as hearings may be conducted on the matters.
- (6) Conduct hearings regarding protective orders and make recommendations to the appropriate district judge for the issuance of a preliminary or permanent injunction.

Proposed law provides that the commissioner shall have certain powers related to civil cases as follows:

- (1) Administer oaths and affirmations.
- (2) Take acknowledgments, affidavits, and depositions.

- (3) Review and act on petitions for protective orders and matters of domestic violence, including the issuance of temporary orders of protection and temporary restraining orders, until such time as hearings may be conducted on the matters.
- (4) Conduct hearings regarding protective orders and make recommendations to the appropriate district judge for issuance of a preliminary or permanent injunction.

(Amends R.S. 13:711, 712(B), and 713(A) and (B))