

2023 Regular Session

SENATE BILL NO. 168

BY SENATOR FIELDS

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

COURTS. Provides relative to the judgeships of the second district of the First Circuit Court of Appeal. (2/3-CA5s9) (gov sig)

1 AN ACT

2 To amend and reenact R.S. 13:312(1)(b) and 312.1(A), relative to the Court of Appeal for  
3 the First Circuit; to provide for the organization of districts within the First Circuit;  
4 to provide election sections for the second district of the First Circuit; to provide for  
5 the assignment of judgeships for election purposes; to provide for the election of  
6 judges; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:312(1)(b) and 312.1(A) are hereby amended and reenacted to read  
9 as follows:

10 §312. Courts of appeal; circuits and districts

11 There shall be five court of appeal circuits, which shall be subdivided into  
12 districts as follows:

13 1. \* \* \*

14 (b) Districts of first circuit. (i) The parishes of Ascension, Assumption,  
15 Iberville, Lafourche, Pointe Coupee, St. Mary, Terrebonne, and West Baton Rouge  
16 shall compose the first district of the first circuit. The first district shall be further  
17 divided into two election sections.

1           **(aa)** Election section one shall be composed of Ascension Parish,  
2 Assumption Parish, Iberville Parish, Pointe Coupee Parish, and West Baton Rouge  
3 Parish.

4           **(bb)** Election section two shall be composed of Lafourche Parish, St. Mary  
5 Parish, and Terrebonne Parish.

6           **(ii)** The parish of East Baton Rouge shall compose the second district of the  
7 first circuit. **The second district shall be further divided into two election**  
8 **sections.**

9           **(aa) Election section one shall be composed of Precincts 1-8, 1-12, 1-34,**  
10 **1-35, 1-39, 1-40, 1-41, 1-42, 1-43, 1-47, 1-48, 1-49, 1-56, 1-59, 1-64, 1-65, 1-66,**  
11 **1-69, 1-73, 1-74, 1-75, 1-76, 1-79, 1-80, 1-89, 1-97, 1-98, 1-99, 1-105, 1-107, 2-6,**  
12 **2-7, 2-8, 2-33, 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-9, 3-10, 3-12, 3-13, 3-14, 3-15,**  
13 **3-16, 3-17, 3-18, 3-19, 3-20, 3-21, 3-22, 3-23, 3-25, 3-26, 3-29, 3-30, 3-31, 3-32,**  
14 **3-33, 3-34, 3-35, 3-36, 3-37, 3-38, 3-39, 3-40, 3-41, 3-43, 3-44, 3-45, 3-46, 3-47,**  
15 **3-48, 3-49, 3-50, 3-51, 3-52, 3-53, 3-54, 3-55, 3-56, 3-57, 3-58, 3-59, 3-60, 3-61,**  
16 **3-62, 3-63, 3-64, 3-65, 3-66, 3-67, 3-68, 3-69, 3-70, 3-71 and 3-72 of East Baton**  
17 **Rouge Parish.**

18           **(bb) Election section two shall be composed of Precincts 1-1, 1-2, 1-3,**  
19 **1-4, 1-5, 1-6, 1-7, 1-9, 1-10, 1-11, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-20,**  
20 **1-21, 1-22, 1-23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-30, 1-31, 1-32, 1-33, 1-36,**  
21 **1-37, 1-38, 1-44, 1-45, 1-46, 1-50, 1-51, 1-52, 1-53, 1-54, 1-55, 1-57, 1-58, 1-60,**  
22 **1-61, 1-62, 1-63, 1-67, 1-68, 1-70, 1-71, 1-72, 1-77, 1-78, 1-81, 1-82, 1-83, 1-84,**  
23 **1-85, 1-86, 1-87, 1-88, 1-90, 1-91, 1-92, 1-93, 1-94, 1-95, 1-100, 1-101, 1-102,**  
24 **1-103, 1-104, 2-1, 2-2, 2-3, 2-4, 2-5, 2-9, 2-10, 2-11, 2-12, 2-13, 2-14, 2-15, 2-16,**  
25 **2-17, 2-18, 2-19, 2-20, 2-21, 2-22, 2-23, 2-24, 2-25, 2-26, 2-27, 2-28, 2-29, 2-30,**  
26 **2-31, 2-32, 2-34, 2-35, 2-36, 2-37, 3-8, 3-11, 3-24, 3-27 and 3-28 of East Baton**  
27 **Rouge Parish.**

28           **(iii)** The parishes of East Feliciana, Livingston, St. Helena, St. Tammany,  
29 Tangipahoa, Washington, and West Feliciana shall compose the third district of the

1 first circuit.

2 \* \* \*

3 §312.1. Circuit court of appeal; domicile; number of judges; election

4 A.(1) The Court of Appeal for the First Circuit, domiciled in the city of  
5 Baton Rouge, shall have twelve judges. Four judges shall be elected from each of the  
6 three districts composing the circuit by the qualified electors of each district,  
7 respectively.

8 ~~(2) However, in~~ In the first district, one judge, Division C, shall be elected  
9 from election section one by the qualified electors of election section one, and one  
10 judge, Division A, shall be elected from election section two by the qualified electors  
11 of election section two. The remaining two judges in the first district, Divisions B  
12 and D, shall be elected by the qualified electors of the entire first district.

13 (3) In the second district, two judges, Divisions A and B, shall be elected  
14 from election section one by the qualified electors of election section one, and  
15 two judges, Divisions C and D, shall be elected from election section two by the  
16 qualified electors of election section two.

17 \* \* \*

18 Section 2.(A) Each judge of the second district in office on the effective date of this  
19 Act shall be the judge for the election section, subdistrict having the same designation as the  
20 election section, subdistrict from which the justice was elected and may complete the term  
21 for which he was elected.

22 (B)(1) The successor to the office of a judge of the second district shall be elected  
23 from the election section assigned to that office as provided by R.S. 13:312.1. The election  
24 shall be from the election section composed as provided by R.S. 13:312.

25 (2) Notwithstanding any other provision of law to the contrary, there shall be no  
26 requirement that a judge be a resident of the election section for which he holds office;  
27 however, the judge shall be a resident of the second district of the Court of Appeal for the  
28 First Circuit, in accordance with law.

29 Section 3. The election to fill the judgeship currently designated as Division C of the

1 second district shall be held at the congressional elections to be held in 2024 from election  
2 section two as established by this Act or at any specially called election due to the earlier of  
3 the death, resignation, retirement, or incapacity of a judge serving on the effective date of  
4 this Act.

5 Section 4.(A) The precincts referenced in this Act are those precincts identified as  
6 Voting Districts (VTDs) in the 2020 Census Redistricting TIGER/Line Shapefiles for the  
7 State of Louisiana as validated through the data verification program of the Louisiana House  
8 of Representatives and the Louisiana Senate and available on the legislature's website on the  
9 effective date of this Section.

10 (B) When a precinct referenced in this Act has been subdivided by action of the  
11 parish governing authority on a nongeographic basis or subdivided by action of the parish  
12 governing authority on a geographic basis in accordance with the provisions of R.S.  
13 18:532.1, the enumeration in this Act of the general precinct designation shall include all  
14 nongeographic and all geographic subdivisions thereof, however such subdivisions may be  
15 designated.

16 (C) The territorial limits of the districts as provided in this Act shall continue in  
17 effect until changed by law regardless of any subsequent change made to the precincts by  
18 the parish governing authority.

19 Section 5. This Act shall become effective upon signature by the governor or, if not  
20 signed by the governor, upon expiration of the time for bills to become law without signature  
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
23 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Matt DeVille.

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DIGEST

SB 168 Engrossed                      2023 Regular Session                      Fields

Present law divides the state into five court of appeal circuits and divides each circuit into three districts. Provides that the Court of Appeal for the First Circuit is comprised of Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Lafourche, Livingston, Pointe Coupee, St. Helena, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana parishes.

Present law provides that the second district of the Court of Appeal for the First Circuit is comprised of East Baton Rouge Parish.

Present law provides that the second district will be divided into two subdistricts pursuant to the Consent Judgment in the United States District Court, Middle District of Louisiana, case of *Janice Clark, et al. v. Charles "Buddy" Roemer, Governor of Louisiana, et al.*, Civil Action No. 86-435(A). Subdistrict one shall elect judges for Divisions A, B, and C. Subdistrict two shall elect a judge for Division D.

Proposed law divides the second district into two election sections. Further provides that two judges for Divisions A and B will be elected from election section one, and two judges for Divisions C and D will be elected from election section two.

Proposed law provides that each judge of the second district in office on the effective date of this Act will be the judge for the election section, subdistrict having the same designation as the election section, subdistrict from which the justice was elected and may complete the term for which he was elected. Further provides that the successor to the office of a judge of the second district will be elected from the election section assigned to that office as provided by proposed law.

Proposed law provides the election to fill the judgeship currently designated as Division C will be held at the congressional election to be held in 2024.

Proposed law specifies that precincts referenced in district descriptions are those precincts identified as Voting Districts (VTDs) in the 2020 Census Redistricting TIGER/Line Shapefiles for the state of La. as validated through the data verification program of the La. legislature. Also specifies that if any such precinct has been subdivided by action of the parish governing authority on a nongeographic basis or subdivided by action of the parish governing authority on a geographic basis in accordance with present law, the enumeration of the general precinct designation shall include all nongeographic and all geographic subdivisions thereof. Further provides that the territorial limits of the districts as enacted shall continue in effect without change regardless of any subsequent change made to the precincts by the parish governing authority.

Population data in the summaries accompanying this digest are derived from 2020 Census Redistricting Data (Public Law 94-171), Summary File for Louisiana. Population data, statistical information, and maps are supplied for purposes of information and analysis and comprise no part of proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:312(1)(b) and 312.1(A))