

## RÉSUMÉ DIGEST

**SB 185**

**2024 Regular Session**

**Seabaugh**

Existing law (R.S. 13:4163(C)) provides that the peremptory grounds for the continuance or extension are available to and for the benefit of a legislative member or employee for continuance of any type of proceeding and for the extension of any type of deadline pertaining to a criminal case, civil case, or administrative proceeding.

New law retains existing law and adds that the peremptory grounds are available for any type of legal delay.

Existing law (R.S. 13:4163(D)) provides that a motion for legislative continuance or extension shall be filed at no cost to the member, employee, or client of a member or employee.

New law retains existing law but deletes "legislative".

New law provides that if a motion for continuance or extension pursuant to existing law of a deadline is opposed, then the court shall award attorney fees and court costs payable to the client of the member or employee payable by the party or attorney who opposed the motion for legislative continuance or extension.

Existing law (R.S. 13:4163(E)) provides the deadlines within which the court or agency shall grant the continuance or extension ex parte.

Existing law (R.S. 13:4163(C)) provides that the peremptory grounds for the continuance or extension are available to and for the benefit of a legislative member or employee for continuance of any type of proceeding and for the extension of any type of deadline pertaining to a criminal case, civil case, or administrative proceeding.

New law retains existing law and adds that the peremptory grounds are available for any type of legal delay.

Existing law (R.S. 13:4163(D)) provides that a motion for legislative continuance or extension shall be filed at no cost to the member, employee, or client of a member or employee.

New law retains existing law but deletes "legislative."

New law provides that if a motion for continuance or extension pursuant to existing law of a deadline is opposed, then the court shall award attorney fees and court costs payable to the client of the member or employee payable by the party or attorney who opposed the motion for legislative continuance or extension.

Existing law (R.S. 13:4163(E)) provides the deadlines within which the court or agency shall grant the continuance or extension ex parte.

New law retains existing law and provides that a motion to continue or extend a legal deadline shall be timely if filed within five days prior to a hearing or proceeding on a motion for sanctions or penalties.

New law (R.S. 13:4163(F)) provides that the provisions of new law shall not apply to proceedings wherein a temporary restraining order, protective order, preliminary injunction, permanent injunction, court-approved consent agreement resulting from an action brought, or order issued pursuant to the following existing law provisions:

- (1) Domestic abuse, dating violence, stalking, victims of sexual assault, post-separation family violence relief, injunction against abuse, temporary restraining orders in accordance with Title 46, Title 9, Ch.C., and C.C.P.
- (2) Criminal sentencing orders, in accordance with C.Cr.P.

- (3) Communications between offenders and victims, confidentiality of crime victims who are minors, in accordance with Title 46.
- (4) Decisions of committee on parole, in accordance with Title 15.

New law provides that the provisions of new law shall not apply to proceedings pursuant to the Domestic Violence Prevention Firearm Transfer Act and C.Cr.P. Art.1001, et seq.

New law provides that the provisions of new law shall not apply to proceedings for writs of habeas corpus for the determination and enforcement of rights to the custody of a minor or for the release of a person in custody in which the family court has original jurisdiction.

Effective August 1, 2024.

(Amends R.S. 13:4163(C)(1)(intro para) and (D)(2); adds R.S. 13:4163(E)(2)(c) and (F)(3), (4), and (5))