

2026 Regular Session

HOUSE BILL NO. 164

BY REPRESENTATIVE HEBERT

1 AN ACT

2 To amend and reenact R.S. 13:716, relative to the Fifteenth Judicial District Court; to
3 authorize the commissioner to preside over criminal, civil, domestic and family law
4 matters; to provide for the powers and duties of the commissioner over criminal,
5 civil, domestic and family law matters; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:716 is hereby amended and reenacted to read as follows:

8 §716. Commissioner; duties; powers; contempt

9 ~~A. The commissioner of the Fifteenth Judicial District Court shall perform~~
10 ~~such duties as are assigned by the chief judge of the district in accordance with rules~~
11 ~~which shall be prescribed by the elected judges of the court, not inconsistent~~
12 ~~herewith or with the constitution and laws of the state.~~

13 ~~B.(1) The commissioner shall have all powers of a district judge not~~
14 ~~inconsistent with the constitution and laws of the state of Louisiana and the United~~
15 ~~States, including but not limited to the power to administer oaths and affirmations,~~
16 ~~take acknowledgments, affidavits, and depositions, sign orders, act in felony and~~
17 ~~misdemeanor charges, hear preliminary motions, accept pleas in misdemeanor cases~~
18 ~~including misdemeanor cases preliminary to trial on the merits, conduct trials of~~
19 ~~misdemeanor cases, fix bail, and sign and issue search and arrest warrants upon~~
20 ~~probable cause being shown and in accordance with Paragraph (2) of this Subsection.~~

21 ~~(2) In felony cases, the commissioner shall not try and adjudicate~~
22 ~~preliminary hearings, motions for discovery, motions to suppress, motions to quash,~~

1 and trials on the merits. The commissioner may be designated and assigned to hear
2 and determine any felony pretrial matter pending before the court, not inconsistent
3 with the provisions of this Paragraph. The commissioner shall not adjudicate felony
4 cases.

5 (3) ~~In misdemeanor cases, the commissioner may be designated to hear,
6 determine, and adjudicate any matter pending before the court.~~

7 (4) ~~In civil cases, the commissioner may be designated and assigned to
8 conduct hearings, including evidentiary hearings, and trials, except motions for
9 injunctive relief and temporary restraining orders. In furtherance of the above, civil
10 trials and hearings by the commissioner shall be governed by the following rules:~~

11 (a) ~~The commissioner may conduct any or all proceedings on any matter
12 pending before the court and order the entry of judgment in any case where the
13 parties consent to the matter being heard and adjudicated by the commissioner. Each
14 judgment so entered shall be signed by a judge of the district. The clerk of court, at
15 the time the action is filed, shall notify the parties of their right to consent to the
16 exercise of such jurisdiction. The decision of the parties shall be communicated to
17 the clerk. An aggrieved party may appeal a judgment of the commissioner rendered
18 pursuant to the authority of this Subsection in the same manner as an appeal from
19 any other judgment of a district court.~~

20 (b) ~~If any party does not consent to the matter being heard and adjudicated
21 by the commissioner, then the commissioner may be designated to conduct the trials
22 and hearings and to submit to the judge of the appropriate division, proposed
23 findings of fact and recommendations for the disposition thereof of any matter or
24 motion pending before the court or any application for post trial relief made therein.
25 In such cases, the commissioner shall file his proposed findings and
26 recommendations with the court, and a copy shall forthwith be mailed, postage
27 prepaid, to all parties or their counsel of record. Within ten days after transmittal of
28 such copy, any party may traverse such findings or recommendations in writing in
29 such manner as shall be specified by the rules of the district court. The judge of the
30 appropriate division shall make a de novo determination of any findings or~~

1 ~~recommendations to which objection is made. The judge may accept, reject, or~~
2 ~~modify in whole or in part the findings or recommendations made by the~~
3 ~~commissioner and also may receive further evidence or recommit the matter to the~~
4 ~~commissioner with instructions.~~

5 ~~C. The commissioner shall have the same powers as a judge to punish for~~
6 ~~contempt of court, as set forth in Code of Civil Procedure Articles 221 through 227.~~

7 A. The commissioner has all powers of a district judge not inconsistent with
8 the United States Constitution, the Constitution of Louisiana, and applicable federal
9 and state laws.

10 B. The commissioner has jurisdiction over criminal, civil, domestic relations,
11 and family law matters.

12 C. The provisions of this Section do not affect or limit the jurisdiction of a
13 district judge as provided by law.

14 D. Subject to the provisions of Subsections E through G of this Section, the
15 commissioner shall perform such duties as are assigned by the Fifteenth Judicial
16 District Court in accordance with the rules prescribed by the elected judges of the
17 court.

18 E.(1) The powers of the commissioner when hearing criminal matters may
19 include but are not limited to the following:

20 (a) Administering oaths and affirmations.

21 (b) Taking acknowledgments, affidavits, and depositions.

22 (c) Qualifying jurors for grand jury and petit jury duty.

23 (d) Acting on misdemeanor and felony charges through arraignment;
24 however, the commissioner shall not accept pleas of nolo contendere.

25 (e) Presiding over traffic arraignments and accepting pleas of guilty or nolo
26 contendere for traffic offenses issued pursuant to Title 32 of the Louisiana Revised
27 Statutes of 1950 by issuing recommendations for review and approval by the district
28 court with a corresponding waiver to a right to trial before a district judge made on
29 the record by the defendant.

1 (f) Signing and issuing search and arrest warrants upon probable cause being
2 shown.

3 (g) Reviewing probable cause affidavits within forty-eight hours of
4 warrantless arrests.

5 (h) Fixing bail including but not limited to conducting hearings for the
6 purpose of fixing bail and issuing protective orders, if a condition of bail, or if
7 required by statute.

8 (i) Conducting seventy-two hour hearings as provided in Code of Criminal
9 Procedure Article 230.1.

10 (j) Signing waivers of extradition only upon the written consent of the
11 defendant and the expressed waiver of the defendant's right to have his extradition
12 heard by a district court.

13 (k) Supervising all conditions of bail.

14 (l) Supervising special conditions related to domestic violence, protective
15 orders, and any other probation conditions.

16 (m) Reviewing and acting on petitions for temporary protective orders and
17 matters of domestic violence, including the issuance of temporary orders of
18 protection and temporary restraining orders, until such time as hearings may be
19 conducted on the matters.

20 (n) Conducting hearings regarding protective orders and making
21 recommendations to the appropriate district judge for the issuance of a preliminary
22 or permanent injunction.

23 (2) The commissioner has the same powers as a district judge to fine and
24 punish for contempt of court as set forth in Code of Criminal Procedure Articles 20
25 through 25.

26 F.(1) The powers of the commissioner when hearing civil matters may
27 include but are not limited to the following:

28 (a) Administering oaths and affirmations and performing marriage
29 ceremonies.

30 (b) Taking acknowledgments, affidavits, and depositions.

1 (c) Qualifying jurors for petit jury duty.

2 (d) Reviewing and acting on petitions for temporary protective orders and
 3 matters of domestic violence, including the issuance of temporary orders of
 4 protection and temporary restraining orders, until such time as hearings may be
 5 conducted on the matters.

6 (e) Conducting hearings regarding protective orders and making
 7 recommendations to the appropriate judge for the issuance of a preliminary or
 8 permanent injunction.

9 (2) The commissioner has the same powers as a district judge to fine and
 10 punish for contempt of court as set forth in Code of Civil Procedure Articles 221
 11 through 227.

12 G.(1)(a) The powers of the commissioner when hearing domestic relations
 13 and family law matters include but are not limited to the following:

14 (i) Administering oaths and affirmations.

15 (ii) Taking acknowledgments, affidavits, and depositions.

16 (iii) Conducting hearings, including evidentiary hearings and trials in matters
 17 for which the commissioner has been designated and assigned to hear.

18 (b) The commissioner has the same powers as a district judge to punish for
 19 contempt of court as set forth in Code of Civil Procedure Articles 221 through 227.

20 (2) Civil, domestic relations, and family law matter trials and hearings by the
 21 commissioner shall be governed by the following rules:

22 (a) The commissioner may conduct any and all proceedings on any matter
 23 pending before the court and order the entry of judgment in any case where the
 24 parties consent in writing to the matter being heard and adjudicated by the
 25 commissioner. Each judgment entered shall be signed by a judge of the district. The
 26 clerk of court, at the time the action is filed, shall notify the parties of their right to
 27 consent to the exercise of such jurisdiction. The decision of the parties shall be
 28 communicated to the clerk. When the parties' consent is required as provided in this
 29 Subsection, the failure of the clerk to file the written waiver in the record shall not
 30 affect the validity or enforcement of a commissioner's findings or judgment. An

1 aggrieved party may appeal a judgment of the commissioner rendered pursuant to
2 this Subsection in the same manner as an appeal from any other judgment of a
3 district court.

4 (b) If any party does not consent to the matter being heard and adjudicated
5 by the commissioner, the commissioner may be designated to conduct the trial or
6 hearing and submit to the judge of the appropriate division proposed findings of fact
7 and recommendations for the disposition of any matter or motion pending before the
8 court or any application for post-trial relief. In such cases, the commissioner shall
9 file his proposed findings and recommendations with the court, and shall mail a
10 copy, postage prepaid, to all parties or their counsel of record. Within ten days after
11 transmittal of such copy, any party may traverse the findings or recommendations
12 in writing in a manner specified by the rules of the district court. The judge of the
13 appropriate division shall make a de novo determination of any findings or
14 recommendations to which objection is made. The judge may accept, reject, or
15 modify in whole or in part the findings or recommendations made by the
16 commissioner and may also receive further evidence or recommit the matter to the
17 commissioner with instructions.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____