

Regular Session, 2014

HOUSE BILL NO. 1206

BY REPRESENTATIVE LEGER

COURTS: Provides for the consolidation of the New Orleans Traffic and Municipal Courts

1 AN ACT

2 To amend and reenact R.S. 13:2491, 2492, 2493, 2493.1(A)(introductory paragraph), (B),
3 (C), and (D), 2495, 2495.1(A), 2496.1, 2496.2(A), 2496.3(A), (B), (E), (F),
4 (G)(introductory paragraph), (3) and (5), 2496.4, 2497, 2498(A), (B), and (C), 2499,
5 2500(A) and (B), 2500.1, 2500.2, 2500.4, 2501, 2512, 2513, 2514, 2515, 2516, and
6 2519(A) and to repeal R.S. 13:2501.1, 2505, 2506, 2507, 2507.1, and 2509, relative
7 to the consolidation of the municipal and traffic courts of New Orleans; to require
8 the consolidation of the municipal and traffic courts in New Orleans; to transfer the
9 traffic court; to provide relative to jurisdiction; to eliminate the clerk of court and
10 judicial administrator for the traffic court; to transfer certain employees of the traffic
11 court to the consolidated court; to create the consolidated judicial expense fund; to
12 provide for the payment of salaries for clerks and deputy clerks; to provide relative
13 to security detail; to authorize additional costs to defray expenses of the court; and
14 to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 13:2491, 2492, 2493, 2493.1(A)(introductory paragraph), (B), (C),
17 and (D), 2495, 2495.1(A), 2496.1, 2496.2(A), 2496.3(A), (B), (E), (F), (G)(introductory
18 paragraph), (3) and (5), 2496.4, 2497, 2498(A), (B), and (C), 2499, 2500(A) and (B), 2500.1,
19 2500.2, 2500.4, 2501, 2512, 2513, 2514, 2515, 2516, and 2519(A) are hereby amended and
20 reenacted to read as follows:

1 CHAPTER 8. MUNICIPAL AND TRAFFIC COURT OF NEW ORLEANS2 §2491. Municipal and traffic court of New Orleans3 There is created a "Municipal and Traffic Court of New Orleans".4 §2492. ~~Four~~ Number of judges; qualifications; election; salary; vacation5 A. The ~~court~~ Municipal and Traffic Court of New Orleans shall consist of
6 ~~four~~ eight judges, all of whom must be attorneys-at-law, who shall be elected by the
7 qualified electors of the parish of Orleans. They shall not be less than thirty years
8 of age. Each shall have practiced law in the state for at least five years preceding his
9 election; and shall be a duly qualified elector of the parish of Orleans.10 (1) Each of the eight judges, one of whom shall be the judge of the housing
11 court division, for the purposes of nomination and election only, shall preside over
12 separate and distinct divisions of the court.13 (2) The divisions provided for in Paragraph (1) of this Subsection shall be
14 designated alphabetically as Division "A", Division "B", Division "C", Division "D",
15 Division "E", Division "F", Division "G", and Division "H".16 B. ~~The first judges of the court elected at the congressional election of 1948~~
17 ~~shall serve as follows: one of the judges for a term expiring December 31st, 1952,~~
18 ~~one for a term expiring December 31st, 1954, one for a term expiring December~~
19 ~~31st, 1956, and one for a term expiring December 31st, 1958. Thereafter each~~ Each
20 of the judges shall be elected for an eight year term at the regular congressional
21 election held immediately preceding the expiration of such term. Every term shall
22 expire on December 31st thirty-first of the last year thereof. Any vacancy in the court
23 for any cause where the unexpired term is less than one year shall be filled
24 temporarily by appointment by the governor until the next succeeding congressional
25 election, at which time such vacancy shall be filled for the remainder of the
26 unexpired term by election. All judges so elected shall take their office on the first
27 day of January following their election.

1 C. Each of the judges shall receive a salary of not less than eighteen
2 thousand dollars per annum, payable monthly by the city of New Orleans on his own
3 warrant.

4 D. Each of the judges of the ~~municipal court~~ Municipal and Traffic Court of
5 New Orleans shall have annual vacation of thirty days, the time to be fixed by the
6 rules of the court.

7 E. Whenever any of the judges are temporarily absent because of court
8 business, illness or while on vacation, a judge ad hoc may be appointed by the judges
9 of the municipal and traffic court, acting en banc, to serve during the period of such
10 temporary absence. The judge ad hoc shall have the qualifications for election to the
11 office and his compensation shall be proportionately equal to that of the judge for
12 whom he is appointed to serve, and shall be payable in the same manner and from
13 the same source ~~and/or~~ or sources as that of such judge.

14 F. The judge of the Municipal and Traffic Court of New Orleans having the
15 most seniority shall become the senior and administrative judge during his tenure of
16 office and shall not engage in the practice of law or share in the profits, directly or
17 indirectly, of any law firm or legal corporation. The senior and administrative judge
18 of the Municipal and Traffic Court of New Orleans shall possess the same
19 qualifications that are required of district court judges and shall receive a salary of
20 not less than eighteen thousand dollars per annum, but not more than the salary paid,
21 from all sources, to the district court judges in and for the parish of Orleans. The
22 governing authority of Orleans Parish shall determine the salary paid to the senior
23 and administrative judge, of which the amount payable by the state to city judges of
24 the state shall be paid by the state and the remainder shall be payable by the city of
25 New Orleans. The salary of the senior and administrative judge shall be payable
26 monthly on his own warrant. Should the senior judge decline the position of senior
27 and administrative judge then the next senior judge of the municipal and traffic court
28 may assume the position.

1 §2493. Jurisdiction

2 A. The jurisdiction of the court shall extend to the trial of violations of the
3 ordinances of the city of New Orleans, ~~except~~ including the regulation of traffic
4 violations within the city of New Orleans.

5 B. The jurisdiction of the courts shall further extend to the trial of violations
6 of state statutes which are not triable by a jury; which jurisdiction shall be concurrent
7 with that of the Criminal District Court for the Parish of Orleans. ~~This jurisdiction~~
8 ~~shall not extend to traffic violations.~~

9 C. The jurisdiction of the court shall further extend to the trial of offenses
10 involving traffic and the regulation thereof punishable by state statute including
11 violations of the Criminal Code of Louisiana involving traffic and the trial of
12 violations relating to street and highway regulatory laws and such other state laws
13 as relate to the operation of a vehicle. The jurisdiction over state traffic offenses
14 shall be concurrent with the Criminal District Court for the Parish of Orleans. In
15 addition, every prosecution in the Municipal and Traffic Court of New Orleans under
16 state law shall be filed in the court by affidavit or bill of information under the
17 provision of state law defining the offense and such prosecution shall be brought by
18 the city attorney of New Orleans. The jurisdiction of the court shall further extend
19 to appeals by any person aggrieved by an administrative hearing officer's decision
20 concerning a traffic violation enforced by the city of New Orleans' automated traffic
21 enforcement system. Any aggrieved person shall file such appeal within thirty days
22 after the date of such decision. The court shall have de novo review over such
23 appeals. The court shall adopt rules regulating the manner of taking, hearing, and
24 deciding such appeals.

25 D. When exercising ~~said~~ concurrent jurisdiction and in cases involving
26 violation of an ordinance adopted pursuant to R.S. 14:143(B), all procedures shall
27 comply with those parts of the Louisiana Constitution of 1974, the Louisiana
28 Revised Statutes, and the Code of Criminal Procedure pertaining to the prosecution
29 of criminal cases not requiring trial by jury.

1 ~~D.E.~~ The jurisdiction of the Housing and Environmental Court Division shall
 2 extend to the trial of violations of the Building Code, the Comprehensive Zoning
 3 Ordinance and Chapters 28, 30, 48, and 54¹ of the City Code of the city of New
 4 Orleans as provided by law, in addition to the general jurisdiction of the Municipal
 5 and Traffic Court of New Orleans.

6 ~~E.F.~~ The jurisdiction of the court shall extend to the granting of an
 7 injunction, preliminary injunction, or temporary restraining order pursuant to the
 8 provisions of Code of Civil Procedure Articles 3601 through 3613, when irreparable
 9 injury, loss, or damage may otherwise result to any person over whom the court has
 10 jurisdiction pursuant to this Section or as provided by law; however, the court shall
 11 not have the authority to grant injunctive relief with respect to any matter provided
 12 in Code of Civil Procedure Article 3604(B)(1) and (3) and (C).

13 ~~F.G.~~ The court shall have no other jurisdiction.

14 §2493.1. Housing court division; jurisdiction; powers of judge; environmental
 15 docket

16 A. The council of the city of New Orleans is hereby authorized to create,
 17 subject to the approval of the majority of the judges of the Municipal and Traffic
 18 Court of New Orleans, the Housing and Environmental Court Division of the
 19 Municipal and Traffic Court of New Orleans, hereinafter referred to as the "housing
 20 court division". In the ordinance creating the housing court division, the ~~said~~ council
 21 shall designate the effective date of the creation of ~~said~~ the court. The housing court
 22 division shall be assigned, and its jurisdiction shall be limited to, all violations of the
 23 provisions of the following:

24 * * *

25 B. All cases involving violations of the provisions of the Building Code, The
 26 Comprehensive Zoning Ordinance, or Chapters 28, 30, 37, 48, and 54 of the City
 27 Code of the city of New Orleans, or the Fire Code presently pending before the
 28 Municipal and Traffic Court of New Orleans, shall be transferred to the housing
 29 court division for further proceedings in accordance with law.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 C. Upon creation of the housing court division, one of the judges of the
2 Municipal and Traffic Court of New Orleans now provided for by R.S. 13:2492 shall
3 be assigned to serve as the judge of the housing court division of the Municipal and
4 Traffic Court of New Orleans.

5 ~~(1) Each of the four judges provided for in R.S. 13:2492, one of whom shall~~
6 ~~be the judge of the housing court division, for the purposes of nomination and~~
7 ~~election only, shall preside over separate and distinct divisions of the court.~~

8 ~~(2) The divisions provided for in Subparagraph (1) above shall be designated~~
9 ~~alphabetically as Division "A", Division "B", Division "C", and Division "D". The~~
10 ~~judge senior in point of continuous service shall preside over Division "A", and the~~
11 ~~other judges of the court shall occupy the other designated divisions according to~~
12 ~~their respective periods of continuous service.~~

13 D.(1) The jurisdiction of the Municipal and Traffic Court of New Orleans,
14 the Housing and Environmental Court Division of the Municipal and Traffic Court
15 of New Orleans shall extend to the trial of violations of an ordinance of the city of
16 New Orleans and the violations of state statutes which are not triable by a jury for
17 criminal prosecutions provided in R.S. 14:107.3, and any other authority provided
18 by law or home rule charter for the civil enforcement of health, safety, and welfare
19 ordinances, including but not limited to the authority provided in R.S. 13:2575 for
20 administrative adjudication for violations of public health, housing, fire code,
21 environmental building code, zoning, historic district, permitting vegetation, and
22 nuisance ordinances, as provided for and defined in R.S. 33:1374. In Orleans Parish,
23 the public authority may enforce health, safety, and welfare statutes or ordinances
24 or otherwise seek to eliminate blighted property, unsafe structures and equipment,
25 unlawful structures and structures unfit for human occupancy, housing violations, or
26 public nuisances additionally in the Municipal and Traffic Court of New Orleans.

27 (2) A separate environmental docket of the Housing and Environmental
28 Court Division of the Municipal and Traffic Court of New Orleans is established

1 into which the public authority, as defined in R.S. 33:1374, or other party, may
2 request allotment or transfer of cases brought pursuant to R.S. 33:1374.

3 * * *

4 §2495. Clerk of court

5 A. There shall be one clerk of the Municipal and Traffic Court of New
6 Orleans who shall be appointed by the judges thereof and shall be subject to removal
7 by a majority of the judges of the court, at will. The court shall adopt such rules and
8 regulations governing the functions, duties, operation, and procedure of the clerk's
9 office as may be necessary.

10 ~~B. There shall be one clerk of the Traffic Court of New Orleans who shall~~
11 ~~be appointed by the judges thereof and shall be subject to removal by a majority of~~
12 ~~the judges of the court, at will. The court shall adopt such rules and regulations~~
13 ~~governing the functions, duties, operation, and procedure of the clerk's office as may~~
14 ~~be necessary.~~

15 ~~C.B.~~ The salaries of the clerk of municipal court and the clerk of traffic court
16 salary of the clerk of the municipal and traffic court shall be determined and set by
17 a three-fourths majority of the judges of the ~~two courts~~ court; the ~~salaries~~ salary shall
18 be the same and shall be paid from the ~~respective~~ consolidated judicial expense ~~funds~~
19 fund of the ~~courts~~ court. However, if one of the funds has insufficient resources,
20 ~~then both salaries may be paid from the remaining fund.~~

21 ~~D.C.~~ The said clerks clerk shall retain all of the benefits of ~~their~~ its office,
22 including but not limited to hospitalization coverage, retirement benefits, insurance
23 benefits, and sick and annual leave benefits, and ~~they~~ it shall be paid through the
24 payroll system utilized by the city of New Orleans for its other employees.

25 ~~E.D.~~ The said clerks clerk shall continue to be paid under the current method
26 used by the city of New Orleans until otherwise notified by the judges of the
27 municipal and traffic ~~courts~~ court.

1 §2495.1. Judicial administrator

2 A. There shall be one judicial administrator of the Municipal and Traffic
3 Court of New Orleans, who shall be appointed by the judges thereof and shall be
4 subject to removal by a majority of the judges of the court at will. The court shall
5 adopt such rules and regulations governing the functions, duties, operations, and
6 procedures of the judicial administrator's office as may be necessary. The salary and
7 benefits shall be paid by the city of New Orleans on the warrant of the chief judge.
8 If the city fails to pay the salary and benefits, they may be paid from the consolidated
9 judicial expense fund of the court.

10 * * *

11 §2496.1. Crier; appointment; salary

12 Each judge of the Municipal and Traffic Court of New Orleans shall appoint
13 his own crier. If the council of the city of New Orleans shall fail to approve the
14 salary, each crier's salary may be paid monthly from the consolidated judicial
15 expense fund of the court, provided that such crier's salary does not exceed the
16 amount paid to the crier on May 1, 1984. Any increase in such salary shall be
17 subject to the prior approval of the council of the city of New Orleans.

18 §2496.2. Expenses of municipal and traffic court

19 A. Notwithstanding any other law to the contrary, a majority of the judges
20 of the Municipal and Traffic Court of New Orleans may authorize a payment from
21 the consolidated judicial expense fund of the court to defray any expense of the court
22 including salary supplements for any personnel as in their discretion may be
23 necessary to expedite the business and function of the court.

24 * * *

25 §2496.3. First appearance hearing officer; appointment; salary; qualifications

26 A. There is hereby created the office of first appearance hearing officer of
27 the Municipal and Traffic Court of New Orleans.

28 B. There shall be only one first appearance officer. The first appearance
29 hearing officer shall be appointed by a majority of the duly elected judges of the

1 Municipal and Traffic Court of New Orleans and shall be subject to removal at will
2 by a majority of the judges of the court. The court shall adopt such rules as are
3 necessary to define the functions, duties, and operational procedures of the office of
4 the first appearance hearing officer.

5 * * *

6 E. The judges of the Municipal and Traffic Court of New Orleans, sitting en
7 banc, and the city of New Orleans shall provide necessary support services and
8 personnel, including minute clerks and court reporters, for the office. The supporting
9 services and personnel shall be paid for by the city of New Orleans.

10 F. Quarters necessary for the conduct of the office of the first appearance
11 hearing officer shall be provided by the governing authority of the city of New
12 Orleans or the Municipal and Traffic Court of New Orleans. The first appearance
13 hearing officer may hold hearings at the facilities where city prisoners are
14 incarcerated.

15 G. The first appearance hearing officer shall have all such powers and duties
16 not inconsistent with the constitution and laws of this state, the constitution and laws
17 of the United States, and the rules of the Municipal and Traffic Court of New
18 Orleans, and the duties assigned to the hearing officer by the judges of that court,
19 including the following powers and duties:

20 * * *

21 (3) To sign orders including issuance of peace bonds for cases triable in the
22 Municipal and Traffic Court of New Orleans.

23 * * *

24 (5) To fine and punish for contempt of court in the same manner as a judge
25 of the Municipal and Traffic Court of New Orleans as provided for in Code of
26 Criminal Procedure Articles 20 through 25.

27 * * *

1 §2496.4. Consolidated Judicial expense fund for the Municipal and Traffic Court of
2 New Orleans

3 A. There is hereby established the consolidated judicial expense fund for the
4 Municipal and Traffic Court of New Orleans, which shall be a special account for
5 use in administration of the court. The judicial administrator shall deposit into the
6 fund any monies specifically designated for such purpose. The judges of the court,
7 en banc, shall have control over and administer the funds which are annually
8 appropriated or otherwise authorized under the law and all disbursements made
9 therefrom. The judges shall cause to be conducted an annual audit of the fund and
10 the books and accounts relating thereto, and shall file the audit with the legislative
11 auditor where it shall be available for public inspection.

12 B. The consolidated judicial expense fund may be used for any operating
13 expense of the court, including salaries for court reporters, bailiffs, minute clerks,
14 and other court personnel, in addition to any and all other funds, salaries, expenses,
15 or other monies that are provided, authorized, or established by law. No salary shall
16 be paid from the consolidated judicial expense fund to any judges of the court.

17 §2497. Deputy clerks; appointment; salaries; removal

18 A. The clerk of the ~~municipal court~~ Municipal and Traffic Court of New
19 Orleans shall appoint such deputies, assistants and employees as the legislature may
20 provide. There shall not be less than twenty deputy clerks and other employees of
21 the court.

22 B. All salaries of the clerks and deputy clerks of the ~~municipal court~~
23 Municipal and Traffic Court of New Orleans shall be paid by the city of New
24 Orleans. In the event that the city shall refuse or fail to pay any such salaries, the
25 judge, or judges, of the court shall withhold from the funds collected under the
26 jurisdiction of the court sufficient money to pay any salaries not paid by the city,
27 and, in such event, the judge, or judges, of the court shall deposit the money withheld
28 in a separate bank account against which a judge, or judges thereof, shall draw
29 appropriate checks to pay such salaries.

1 §2498. Appeal; proceedings; record; hearing

2 A. There shall be a right of appeal in all cases from the ~~municipal court~~
3 Municipal and Traffic Court of New Orleans to the criminal district court for the
4 parish of Orleans. The appeals shall be on the law and the facts and shall be tried by
5 the judge of the criminal district court to whom the appeal shall be allotted upon the
6 records made and the evidence offered in the ~~municipal court~~ Municipal and Traffic
7 Court of New Orleans. The criminal district court shall have general and supervisory
8 jurisdiction over the ~~municipal court~~ Municipal and Traffic Court of New Orleans,
9 and may issue such writs and orders as may be necessary in aid of its appellate and
10 supervisory jurisdiction.

11 B. The court reporters of the court shall, in all cases, take down the
12 testimony verbatim. The stenographic notes need not be written out unless an appeal
13 is taken, in which case the testimony shall be written out and signed by the judge.
14 In cases of appeal the clerk shall prepare the record for the appellate court. This will
15 consist of the affidavit bond, testimony and every document, instrument, property
16 or thing whatsoever in possession of the court, filed in the trial of the case, together
17 with the ordinance or ordinances on which the prosecution is based. The clerk shall
18 make, in duplicate, a list of each specific thing, whose correctness shall be certified
19 to by the judges to one of the lists. This record, and all it contains, and the signed list
20 shall then be filed with the clerk of the criminal district court who will receipt for
21 same after signing the other list. When the appeal is taken it divests the ~~municipal~~
22 ~~court~~ Municipal and Traffic Court of New Orleans from all further jurisdiction in the
23 case.

24 C. In all appeals, the appeal shall be heard by one of the judges of the
25 criminal district court. No appeal shall be taken except when taken on the day of
26 sentence. All appeals taken from the judgment of the ~~municipal court~~ Municipal and
27 Traffic Court of New Orleans shall be by oral or written motion in open court, and

1 they shall be returnable to the criminal district court within five days. Upon
2 application to the appellate court, this term may, in case of necessity, be extended.

3 * * *

4 §2499. Quarters, furniture and stationery; police detail

5 The city of New Orleans shall provide suitable rooms, furniture, stationery,
6 and other operating expenses for the ~~municipal court~~ Municipal and Traffic Court of
7 New Orleans, and the Orleans Parish Sheriff's Office, the city constable, or
8 department of police of the city of New Orleans shall detail, subject to such rules as
9 it may adopt, the necessary number of ~~police~~ law enforcement officers to the court,
10 to keep order and execute orders and decrees of the judges thereof.

11 §2500. Powers of judges, clerks, and court reporters

12 A. The judges of the ~~municipal court~~ Municipal and Traffic Court of New
13 Orleans and their clerks and court reporters may administer oaths and the judges may
14 compel witnesses to appear and testify.

15 B. The court shall possess inherently all powers necessary for the exercise
16 of its jurisdiction and the enforcement of its lawful orders including the authority to
17 issue such writs and orders as may become necessary and the court has the power to
18 punish for contempt, as provided in the ~~Louisiana Criminal Code~~ of Code of
19 Criminal Procedure, Articles 20 through 25 as the same may from time to time be
20 amended, which articles define contempt and prescribe the penalties therefor.

21 * * *

22 §2500.1. Additional costs; ~~municipal court probation department~~ Municipal and
23 Traffic Court Probation Department; special fund

24 A. Any defendant, other than an indigent, who pleads guilty or is convicted
25 of an offense by the ~~municipal court~~ Municipal and Traffic Court of the city of New
26 Orleans shall be assessed costs not to exceed the sum of fifteen dollars for each
27 offense, such costs to be in addition to any fine, clerk's fees or costs or any other fee
28 or costs provided by law or sentence imposed by the court. When any defendant,

1 other than an indigent, fails to pay the added costs referred to ~~hereinabove~~ in this
2 Subsection, he shall be sentenced to a term of thirty days in the House of Detention.

3 B. When any surety, cash, or other bond posted in the ~~municipal court~~
4 Municipal and Traffic Court of the city of New Orleans guaranteeing the appearance
5 of any defendant in any case in the ~~municipal court~~ Municipal and Traffic Court of
6 New Orleans has been forfeited, ~~said the~~ the surety company or its local agent or its
7 insurance company, or both, for which ~~said the~~ the agent is writing bail bonds, shall be
8 assessed the added costs provided for in Subsection A of this Section. The forfeiture
9 of any bond referred to ~~hereinabove~~ in this Subsection shall not be set aside until the
10 above costs have been paid, in addition to the other legal requirements of law having
11 been met for the setting aside of the forfeiture. Costs assessed against sureties and
12 surety companies pursuant to this Section shall be collected and administered in the
13 same manner as that set out in Subsection C of this Section.

14 C. Costs assessed against defendants pursuant to this Section shall be
15 collected by the clerk of the ~~municipal court~~ Municipal and Traffic Court of New
16 Orleans. All sums so collected shall be remitted to the municipal and traffic court
17 judicial administrator who shall deposit such sums in a bank or banks in the city of
18 New Orleans in which deposits are insured or guaranteed by the federal government
19 or any agency thereof. The deposits shall be credited to a special fund to be
20 designated as the Municipal and Traffic Court Probation Department Fund which
21 shall be administered by the judges of the ~~municipal court~~ Municipal and Traffic
22 Court of New Orleans.

23 D. There is hereby created a probation department in the ~~municipal court~~
24 Municipal and Traffic Court of the city of New Orleans which shall be funded from
25 the Municipal and Traffic Court Probation Department Fund along with funds which
26 may be realized from federal or state grants and any other sums which may be
27 appropriated by the council of the city of New Orleans. The purpose of the ~~said~~
28 probation department is to provide staff to monitor the behavior of defendants and
29 to develop a comprehensive probationary service program at the ~~municipal court~~

1 Municipal and Traffic Court of New Orleans, which shall include but not be limited
2 to release on recognizance, restitution, diversionary, and active probation programs.

3 §2500.2. Additional court costs to defray expenses

4 A.(1) In all cases over which the Municipal and Traffic Court of New
5 Orleans has jurisdiction, there shall be assessed as costs against every defendant who
6 is convicted after trial or after he pleads guilty or who forfeits his bond a
7 nonrefundable sum of thirty dollars, which shall be in addition to all other fines,
8 costs, or forfeitures lawfully imposed.

9 (2) The sums collected under Paragraph (1) of this Subsection shall be
10 remitted to the ~~municipal court~~ Municipal and Traffic Court of New Orleans judicial
11 administrator, who shall deposit the sums to the credit of the ~~municipal court~~ court's
12 consolidated judicial expense fund to be used by the court to defray its expenses.

13 B.(1) In all prosecutions in the Municipal and Traffic Court of New Orleans,
14 including all traffic violations other than parking, there shall be taxed as costs against
15 every defendant, who is convicted after trial or plea of guilty or nolo contendere or
16 who forfeits his bond, the sum of five dollars, which shall be in addition to all other
17 fines, costs, or forfeitures lawfully imposed and which shall be transmitted to the
18 clerk of the Municipal and Traffic Court of New Orleans to be used by the court to
19 defray its expenses.

20 (2) The Municipal and Traffic Court of New Orleans shall by court rule
21 provide procedures for the timely collection and accounting of the fees imposed by
22 this Section. All fees collected under this Section shall be remitted to the municipal
23 and traffic court judicial administrator for deposit into a special fund designated as
24 the municipal and traffic court consolidated judicial expense fund.

25 C. In all prosecutions in the Municipal and Traffic Court of New Orleans,
26 including all traffic violations other than parking, there shall be taxed as additional
27 costs against every defendant who is convicted after trial or plea of guilty or nolo
28 contendere or who forfeits his bond, a sum not to exceed thirty dollars, which shall
29 be in addition to all other fines, costs, or forfeitures lawfully imposed and which

1 shall be transmitted to the consolidated judicial expense fund of the Municipal and
2 Traffic Court of New Orleans to be used by the court to defray its expenses.

3 §2500.4. Enumeration of fees; copies; retrieval fee

4 In addition to any other fees authorized by law, the clerk of the New Orleans
5 Municipal and Traffic Court may demand and receive the following fees:

6 (1) Copies per page uncertified, one dollar.

7 (2) Copies per page certified, two dollars.

8 (3) Computer-generated chronologies uncertified copies, two dollars.

9 (4) Computer-generated chronologies certified copies, three dollars.

10 (5) File retrieval fee, twenty dollars.

11 §2501. Fines imposed remitted monthly to city treasurer

12 Each judge of the ~~municipal court~~ Municipal and Traffic Court of New
13 Orleans shall ~~see to it~~ ensure that all fines imposed by him are collected and remitted
14 monthly to the city treasurer of New Orleans.

15 §2512. Initiation of proceedings by affidavit or by bill of information in the
16 municipal and traffic courts ~~courts~~ court

17 Notwithstanding Code of Criminal Procedure Article 382, all proceedings in
18 the ~~municipal and traffic courts~~ Municipal and Traffic Court of New Orleans shall
19 be initiated by affidavit or bill of information. The affidavit shall consist of the
20 sworn statement of the complainant, or the ~~police~~ law enforcement officer, filed with
21 the court on a form approved by the respective court. The city council of the city of
22 New Orleans may designate by ordinance certain police officials who shall have the
23 power to take oaths, and verify affidavits filed by other members of the New Orleans
24 police department, the Orleans Parish Sheriff's Office or the constable. The city
25 attorney of the city of New Orleans or any of his assistants may also initiate
26 prosecutions by affidavit or bill of information on information and belief in the
27 ~~municipal and traffic courts~~ Municipal and Traffic Court of New Orleans.

1 §2513. Conduct of trials; rules of evidence in the municipal and traffic ~~courts~~ court

2 The trials of all cases in the ~~municipal and traffic courts~~ Municipal and
3 Traffic Court of New Orleans, and the rules of evidence applicable thereto, shall be
4 the same as govern the trials of misdemeanors under Title 15 of the Louisiana
5 Revised Statutes of 1950 as they presently exist or as they may be hereafter
6 amended.

7 §2514. Appeals; cost bond for transcripts from the municipal and traffic ~~courts~~ court

8 The city council of New Orleans may provide by ordinance that in all appeals
9 from the ~~municipal and traffic courts~~ Municipal and Traffic Court of New Orleans,
10 there shall be required the posting of a reasonable costs bond to defray the cost of
11 preparing the transcript in connection with any such appeal. This shall not be
12 construed to bar any appellant from taking an appeal in forma pauperis.

13 §2515. Application for supervisory writs; stay orders

14 All applications for supervisory writs of certiorari, prohibition or mandamus
15 to the Criminal District Court for the Parish of Orleans from the ~~municipal and~~
16 ~~traffic courts~~ Municipal and Traffic Court of New Orleans shall be filed with the
17 clerk of the Criminal District Court for the Parish of Orleans, and shall be by him
18 allotted to the criminal court of appeals panel then sitting to hear appeals within that
19 court under its rules, in connection with cases not appealable to the Supreme Court
20 of Louisiana. No stay order shall be binding on the lower court unless at least two
21 of such judges shall order such stay. The application for writs shall follow the
22 general form and shall contain all documents and exhibits now required by Rule ~~12~~
23 X of Rules of the Supreme Court of Louisiana, or as may be hereafter required under
24 Rule ~~12~~ X.

25 §2516. Conviction in the municipal and traffic ~~courts~~ court not to be used in district
26 court

27 No conviction in the ~~traffic court of New Orleans or in the municipal court~~
28 Municipal and Traffic Court of New Orleans may be used in any trial in any district
29 court of this state arising out of the same facts and circumstances in connection with

1 which the defendant was charged in the ~~municipal or traffic courts~~ Municipal and
2 Traffic Court of New Orleans.

3 §2519. Procedure for granting probation to convicted defendants in ~~the~~ Municipal
4 and Traffic Courts ~~Courts~~ Court of New Orleans

5 A. The judges of the ~~municipal and traffic courts~~ Municipal and Traffic
6 Court of New Orleans may in their discretion, and where the circumstances of the
7 case merit it, suspend the execution or imposition of any sentence, or defer the
8 imposition of same, in any case where the defendant has pleaded guilty or been
9 found guilty of a misdemeanor in a case before them. This may be done even though
10 the defendant has begun to serve the sentence. The period of probation during which
11 the sentence shall be suspended or deferred shall be fixed by the court at not less than
12 six months and not more than eighteen months.

13 * * *

14 Section 2. R.S. 13:2501.1, 2505, 2506, 2507, 2507.1, and 2509 are hereby repealed
15 in their entirety.

16 Section 3. The judges of the existing Traffic Court of New Orleans shall be
17 transferred to the Municipal and Traffic Court of New Orleans, comprising of Divisions E,
18 F, G, and H.

19 Section 4. In the event there is a vacancy in any judgeship provided for in this Act,
20 no special election shall be called to fill such vacancy until submission of the report from
21 the New Orleans Municipal and Traffic Court Task Force.

22 Section 5. The judge designated as the senior and administrative judge of the
23 Municipal Court at the time this Act takes effect, January 1, 2017, shall become the senior
24 and administrative judge of the Municipal and Traffic Court of New Orleans for as long as
25 he holds office. Thereafter, the judge of the Municipal and Traffic Court of New Orleans
26 having the most seniority shall become the senior and administrative judge during his tenure
27 of office as provided for in R.S. 13:2492(F). In the event the senior judge declines the
28 position of senior and administrative judge, the next senior judge of the Municipal and
29 Traffic Court may assume the position.

1 Section 6.(A) It is the intent of the legislature that the consolidation of these offices
2 should be accomplished with the least possible disruption of services and the least possible
3 expenditure of public funds; therefore, there is hereby created the New Orleans Municipal
4 and Traffic Court Task Force, hereinafter referred to as the "task force".

5 (B) The task force shall consist of fourteen members as follows:

6 (1) The four judges of the New Orleans Traffic Court.

7 (2) The four judges of the New Orleans Municipal Court.

8 (3) The chairman of the House Committee on Judiciary.

9 (4) The chairman of the Senate Committee on Judiciary B.

10 (5) The speaker of the House of Representatives, or his designee.

11 (6) The president of the Senate, or his designee.

12 (7) The chair of the Criminal Justice Committee of the New Orleans City Council.

13 (8) The mayor of the city of New Orleans or his designee.

14 (C)(1) The purpose of the task force shall be to study and provide for a reduction in
15 judges from eight judges to six judges and to establish the methods and procedures to
16 effectuate the consolidation of the New Orleans Traffic Court and the New Orleans
17 Municipal Court, and to specifically consider in its study, a reduction in judges, the
18 operation of the courts, their governance, administration, information technology, legal
19 authority, subject matter jurisdiction, process and operation, economies of scale and greater
20 efficiencies, protection of rights and access to justice and procedural fairness.

21 (2) The task force shall work in conjunction with the Judicial Council of the
22 Supreme Court and the National Center for State Courts.

23 (D) Members of the task force shall serve without compensation or per diem.

24 (E) The task force shall submit a report of its findings and recommendations to the
25 speaker of the House and the president of the Senate, no later than thirty days prior to the
26 start of the 2015 Regular Session of the Louisiana Legislature.

27 Section 7. The legislature hereby specifically states that this Act is in no way and
28 to no extent intended to nor shall it be construed in any manner which will impair the
29 contractual or other obligations of any office transferred by this Act.

1 Section 8. This Act shall not be construed or applied in any way which will prevent
2 full compliance with the requirements of any Act of Congress of the United States or any
3 regulation made thereunder by which federal aid or other federal assistance has been or
4 hereafter is made available.

5 Section 9. This Section and Section 6 of this Act shall become effective upon
6 signature by the governor or, if not signed by the governor, upon expiration of the time for
7 bills to become law without signature by the governor, as provided by Article III, Section
8 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
9 by the legislature, this Act shall become effective on the day following such approval.

10 Section 10. Sections 1 through 4, and 7 and 8 of this Act shall become effective on
11 January 1, 2017.

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)]

Leger

HB No. 1206

Abstract: Provides for the consolidation of the municipal and traffic courts of New Orleans.

Present law provides for the Municipal Court and Traffic Courts of New Orleans and the judgeships and clerks of court for each court and their respective salaries, terms of office, qualifications, powers and duties, and employees and personnel. Present law further provides for jurisdiction of the courts and procedures relative to trials and appeals, judicial administrators, judicial expense funds and use of such funds, quarters for the court, additional costs, and enumeration of fees and fines.

Proposed law consolidates the Municipal Court of New Orleans and the Traffic Court of New Orleans and creates the Municipal and Traffic Court of New Orleans and provides for its jurisdiction.

Proposed law transfers the four judges from the traffic court to the consolidated court and creates four additional judgeships to be comprised of Divisions "E", "F", "G", and "H".

Proposed law provides for one clerk of court and judicial administrator for the consolidated court.

Proposed law creates a consolidated judicial expense fund for the consolidated court.

Proposed law requires the city of New Orleans to provide suitable rooms furniture and the operating expenses for the consolidated court.

Proposed law authorizes the Orleans Parish Sheriff's Office and the Constable's Office for the city of New Orleans, to provide security detail for the consolidated court.

Proposed law requires that the senior and administrative judge of the municipal court shall serve as the senior and administrative judge of the consolidated court as long as he holds office, and thereafter, the judge with most seniority on the consolidated court will become the senior and administrative judge during his tenure unless he declines, in which case the next senior judge will serve.

Proposed law prohibits a special election in the event there is a vacancy in any judgeship until submission of the report by the task force.

Proposed law creates the New Orleans Municipal and Traffic Court Task Force and provides for its members and responsibilities, and further requires the task force submit a report of its findings and recommendations 30 days prior to the start of the 2015 R.S. of the Legislature.

Sections 6 and 9 of this Act become effective upon signature of the governor or lapse of time for gubernatorial action; all other sections become effective on Jan. 1, 2017.

(Amends R.S. 13:2491, 2492, 2493, 2493.1(A)(intro. para.), (B), (C), and (D), 2495, 2495.1(A), 2496.1, 2496.2(A), 2496.3(A), (B), (E), (F), (G)(intro. para.), (3) and (5), 2496.4, 2497, 2498(A), (B), and (C), 2499, 2500(A) and (B), 2500.1, 2500.2, 2500.4, 2501, 2512, 2513, 2514, 2515, 2516, and 2519(A); Repeals R.S. 13:2501.1, 2505, 2506, 2507, 2507.1, and 2509)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Removed requirements which designated that the judge senior in point of service would preside over Division "A" and all other judges would occupy other divisions according to their respective periods of continuous service.
2. Removed provisions that abolished judgeships occupying Divisions "G" and "H" upon expiration of their terms on Dec. 31, 2014.
3. Created the New Orleans Municipal and Traffic Court Task Force and provided for its members and purpose and required the task force to submit a report of its findings and recommendations 30 days prior to the start of the 2015 R.S. of the Legislature.
4. Added provisions to prohibit a special election in the event there is a vacancy in any judgeship until submission of the report by the task force.
5. Deleted provisions relative to the establishment of a separate account as the consolidated expense fund.
6. Provided for the effective date for the creation of the task force upon signature of the governor and provided that all other provisions relative to the consolidation of the courts are to become effective Jan. 1, 2017.

House Floor Amendments to the engrossed bill.

1. Provided that the senior and administrative judge of the municipal court shall serve as the senior and administrative judge of the consolidated court as long as he holds office and thereafter the judge with most seniority on the consolidated court will become the senior and administrative judge during his tenure unless he declines in which case the next senior judge will serve.

2. Changed the membership of the task force to add the chair of the Criminal Justice Committee of the New Orleans City Council and the mayor of the city of New Orleans or his designee.
3. Added a provision requiring the task force to provide for a reduction in judges from eight judges to six judges.