

2016 Regular Session

SENATE BILL NO. 42

BY SENATOR RISER

COURTS. Abolishes the City Court of Winnsboro and establishes the Mayor's Court for the City of Winnsboro. (1/1/17)

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AN ACT

To enact R.S. 33:455 and to repeal R.S. 13:1899(E) and 2115, relative to courts; to abolish the City Court of Winnsboro and the offices thereof; to establish the Mayor's Court for the City of Winnsboro; to provide effective dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:455 is hereby enacted to read as follows:

§455. Mayor's court, Winnsboro; establishment; jurisdiction

A. Effective January 1, 2017, there is established the Mayor's Court of the City of Winnsboro, the territorial jurisdiction of which shall extend throughout the city.

B. The general provisions of R.S. 33:441 and 442 shall be applicable to and shall govern and regulate the Mayor's Court of the City of Winnsboro and its officers.

C. The mayor acting as a court magistrate shall have such power and authority and the mayor's court shall have such jurisdiction as provided by law.

Section 2. R.S. 13:1899(E) and 2115 are hereby repealed in their entirety.

1 Section 3. A. Effective January 1, 2017, the City Court of Winnsboro, Louisiana is
2 abolished and the offices of the judge and marshal of the court are abolished.

3 B. All matters pending in the City Court of Winnsboro, Louisiana on December 31,
4 2016, shall be transferred to the Fifth Judicial District Court effective January 1, 2017.
5 However, this transfer shall not be construed so as to diminish or void the orders or
6 judgments rendered by the city court, nor to permit the modification, set-aside, nullification
7 or avoidance of such judgments and orders, except as provided by law.

8 Section 4. This Act shall become effective on January 1, 2017.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

SB 42 Original

2016 Regular Session

Riser

Present law provides for the City Court of Winnsboro. Provides that in all criminal matters, including traffic violations, in addition to the costs otherwise provided by present law, and in addition to the fine or other penalty which may be legally imposed against every defendant who is convicted after trial or after a plea of guilty or who forfeits his bond, the judge of the city court may assess a sum not to exceed five dollars as additional costs of court, the proceeds from which shall be used to defray operational expenses of the court, as may be approved by said judge.

Further provides that when a surplus of filing fees and costs or unclaimed fees and costs has accumulated in the court's civil fee account and the surplus or unclaimed fees and costs have remained unclaimed for a period of three years or more, the judge of the court may transfer the amount of the surplus or the amount of the unclaimed fees and costs to the general operational fund of the court. This provision does not affect the payment of civil fees to which the judge is entitled pursuant to present law nor affect any claim or right granted to a claimant by the Uniform Unclaimed Property Act.

Proposed law repeals present law.

Proposed law creates the Mayor's Court of the City of Winnsboro with territorial jurisdiction throughout the city. Provides that present law applicable to mayor's court shall govern and regulate the court and its officers. Provides that the mayor acting as a court magistrate shall have such power and authority and the mayor's court shall have such jurisdiction as provided by law.

Proposed law requires that all matters pending in the city court on December 31, 2016 be transferred to the Fifth Judicial District Court effective January 1, 2017. However, this transfer shall not be construed so as to diminish or void the orders or judgments rendered by the city court, nor to permit the modification, set-aside, nullification or avoidance of such judgments and orders, except as provided by law.

Effective January 1, 2017.

(Adds R.S. 33:455 and repeals R.S. 13:1899(E) and 2115)