
DIGEST

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HB 560 Reengrossed

2017 Regular Session

Hunter

Abstract: Authorizes the court to grant a legislative continuance or extension on its own motion upon receiving consent from the member of the legislature.

Present law provides that a member of the legislature and a legislative employee shall have peremptory grounds for continuance or extension of a criminal case, civil case, or administrative proceeding.

Present law provides that the peremptory grounds for continuance are available:

- (1) Any time between 30 days prior to the original call to order and 30 days following the adjournment sine die of any legislative session.
- (2) Any time between 30 days prior to convening and 30 days following adjournment sine die of any constitutional convention.

Present law also provides that peremptory grounds are available when a legislator or employee is engaged in activities in connection with or ordered by: (1) the legislature; (2) any legislative committee or subcommittee appointed by the president of the Senate or the speaker of the House of Representatives; (3) any committee or commission appointed by the governor or other person authorized to make such appointments; or (4) any constitutional convention or commission.

Present law requires verification of the notice of a meeting or call for legislative session.

Proposed law removes the requirement that the clerk of the House of Representatives or the secretary of the Senate file an affidavit verifying the issuance of the notice or call for legislative session.

Proposed law provides that present law shall not be used to impede peremptory nature of present law and proposed law.

Present law provides that for sufficient cause shown, the court may consider a motion for legislative continuance at any time prior to the hearing.

Proposed law provides that, notwithstanding the delays for filing a motion for continuance, the court may consider a motion for continuance at any time provided advance notice is given to the opposing party and to the court.

Proposed law authorizes the motion to be filed by facsimile transmission or electronic mail, provided the mover provides all parties with a copy of the motion.

Proposed law retains present law and authorizes the court to grant a legislative continuance or extension on its own motion upon receiving consent from the members of the legislature.

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

(Amends R.S. 13:4163(B), (E)(1)(b), and (I); Adds R.S. 13:4163(E)(1)(c))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove the requirement to file an affidavit verifying the issuance of the notice or call.
2. Add provision specifying that present law shall not be used to impede peremptory nature of present law and proposed law.
3. Remove provision allowing court to raise continuance on its own motion.
4. Authorize court to consider the motion at any time provided advance notice is given to opposing counsel and the court.
5. Authorize the filing of the motion by facsimile.
6. Add emergency effective date.