

2019 Regular Session

HOUSE BILL NO. 293

BY REPRESENTATIVE BRASS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS: Provides relative to deputy constables

1 AN ACT

2 To amend and reenact R.S. 13:2583.1(D), 2583.2, and 2583.3(C) and to repeal R.S.
3 13:2583.4 through 2583.7, relative to deputy constables; to provide relative to certain
4 requirements for qualification; to provide for the authority to appoint deputy
5 constables; to provide for exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:2583.1(D), 2583.2, and 2583.3(D) are hereby amended and
8 reenacted to read as follows:

9 §2583.1. Deputies; oath; compensation

10 * * *

11 D.(1) Any person who fails to comply with the requirements provided by this
12 Section shall be prohibited from exercising the authority of a deputy constable.

13 (2) The provisions of this Section shall have no effect on nor limit the
14 authority of a justice of the peace to appoint a special deputy constable pursuant to
15 R.S. 13:3477.

16 §2583.2. Deputies; oath; compensation; ~~Union Parish~~

17 A. Each duly elected constable of a justice of the peace court in ~~Union Parish~~
18 each parish of this state may appoint one deputy constable, if necessary, for whose
19 acts the constable shall be responsible. Before entering upon his duties, each deputy
20 shall take the oath required by the constitution and the laws of this state and meet the

1 requirements of R.S. 40:2402 through 2406. A duplicate copy of the oath of office
 2 shall be filed with the office of the attorney general within seventy-two hours after
 3 being administered. Any deputy constable appointed pursuant to this Section shall
 4 not be entitled to any compensation from any local governing body or political
 5 subdivision, other than the constable's office, and shall not be entitled to any
 6 compensation from the state. Each constable may fix the compensation of his
 7 deputy. He shall pay from the fees generated by his office the compensation due the
 8 deputy, the premiums on bonds required by him of a deputy in charge of public
 9 funds, insurance premiums, if provided, and any and all other expenses of any nature
 10 whatsoever necessary for the performance of all duties required of the deputy. He
 11 shall issue monthly or twice per month, at his discretion, to the deputy warrants or
 12 checks for the amounts due him.

13 B. Each deputy constable authorized by this Section shall have the same
 14 qualifications and training as required by law for a constable of a justice of the peace
 15 court. The deputy constable need not be a resident of the ward from which the
 16 constable is elected, but he must be a resident of ~~Union Parish~~ the parish within
 17 which the ward is located.

18 C. (1) Any person who fails to comply with the requirements provided by this
 19 Section shall be prohibited from exercising the authority of a deputy constable.

20 (2) The provisions of this Section shall have no effect on nor limit the
 21 authority of a justice of the peace to appoint a special deputy constable pursuant to
 22 R.S. 13:3477.

23 D. The provisions of this Section shall not apply to the parishes of Caddo,
 24 East Baton Rouge, Jefferson, and Orleans.

25 §2583.3. Deputies; oath; compensation; Caddo Parish

26 * * *

27 C. (1) Any person who fails to comply with the requirements provided by
 28 this Section shall be prohibited from exercising the authority of a deputy constable.

1 (2) The provisions of this Section shall have no effect on nor limit the
2 authority of a justice of the peace to appoint a special deputy constable pursuant to
3 R.S. 13:3477.
4 Section 2. R.S. 13:2583.4 through 2583.7 are hereby repealed in their entirety.

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)]

HB 293 Original

2019 Regular Session

Brass

Abstract: Relative to the authority to appoint deputy constables, combines multiple duplicate provisions for various parishes into one general provision which is applicable to all parishes except for the parishes of Caddo, East Baton Rouge, Jefferson, and Orleans, and provides that any person who fails to comply with the requirements to be appointed a deputy constable shall be prohibited from exercising the authority of a deputy constable.

Present law authorizes the constable for East Baton Rouge Parish and Jefferson Parish to appoint as many deputy constables as necessary, for whose acts the constable shall be responsible.

Proposed law retains present law.

Present law authorizes the constables for the parishes of Ascension, Calcasieu, Caldwell, St. Martin, and Union to appoint one deputy constable as necessary, for whose acts the constable shall be responsible.

Proposed law retains present law.

Proposed law combines the duplicate provisions of present law which are applicable to the parishes of Ascension, Calcasieu, Caldwell, St. Martin, and Union into one general provision which is applicable to all parishes except for the parishes of Caddo, East Baton Rouge, Jefferson, and Orleans.

Present law provides certain requirements for persons to qualify as deputy constables.

Proposed law retains the present law requirements but adds that any person who fails to comply with the requirements provided by present law shall be prohibited from exercising the authority of a deputy constable.

(Amends R.S. 13:2583.1(D), 2583.2, and 2583.3(C); Repeals R.S. 13:2583.4-2583.7)