

2019 Regular Session

HOUSE BILL NO. 519

BY REPRESENTATIVE JAMES

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

COURTS/APPELLATE: Provides relative to judgeships of the Court of Appeals for the First Circuit

1 AN ACT

2 To amend and reenact R.S. 13:312.1(A), relative to the Court of Appeal for the First Circuit;  
3 to provide for the organization of divisions within the First Circuit; to provide for the  
4 transfer of one judgeship in subdistrict one to subdistrict two of the second district  
5 of the First Circuit; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:312.1(A) is hereby amended and reenacted to read as follows:

8 §312.1. Circuit court of appeal; domicile; number of judges; election

9 A.(1) The Court of Appeal for the First Circuit, domiciled in the city of  
10 Baton Rouge, shall have twelve judges. Four judges shall be elected from each of  
11 the three districts composing the circuit by the qualified electors of each district,  
12 respectively.

13 (2) ~~However, in the~~ The first district, one judge, Division C, shall be elected  
14 from election section one by the qualified electors of election section one, and one  
15 judge, Division A, shall be elected from election section two by the qualified electors  
16 of election section two. The remaining two judges in the first district, Divisions B  
17 and D, shall be elected by the qualified electors of the entire first district.

18 (3)(a) In the second district, three judges, Divisions A, B, and C, shall be  
19 elected from subdistrict one by the qualified electors of subdistrict one. One judge,  
20 Division D, shall be elected from subdistrict two by the qualified electors of

1           subdistrict two. The geographic boundaries of subdistrict one and subdistrict two  
2           shall be those agreed to in Subsection B(12) of the Consent Judgment in the United  
3           States District Court, Middle District of Louisiana, case of Janice G. Clark, et al. v.  
4           Charles "Buddy" Roemer, Governor of Louisiana, et al., Civil Action No. 86-435(A).

5                       (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph:

6                               (i) The first vacancy created by the death, resignation, retirement, or removal  
7                               of a judge of the second district, election section, subdistrict one, whichever first  
8                               occurs in either of the three divisions after August 1, 2019, shall be filled by an  
9                               election from election section, subdistrict two of the second district, and such  
10                              judgeship shall be assigned to election section, subdistrict two of the second district,  
11                              for election purposes thereafter.

12                             (ii) However, if no election has occurred or is scheduled to occur to fill a  
13                             vacancy in such a judgeship from the second district, subdistrict one, prior to the  
14                             opening for the regular statewide election in 2020, the regular election to fill the  
15                             judgeship designated as Division A of subdistrict one shall be held in election  
16                             section, subdistrict two of the second district, and such division shall be assigned to  
17                             election section two for election purposes thereafter.

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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)]

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HB 519 Engrossed                                       2019 Regular Session   James

**Abstract:** Provides for the transfer of one judgeship from subdistrict one of the second district of the First Circuit to subdistrict two of the second district of the First Circuit.

Present law requires the Court of Appeal for the First Circuit to be domiciled in the city of Baton Rouge. Four judges should be elected from three districts. The second district shall be composed of East Baton Rouge Parish. Additionally, the second district shall be divided up into two subdistricts pursuant to the Consent Judgment in the United States District Court, Middle District of Louisiana, case of Janice Clark, et al. v. Charles "Buddy" Roemer, Governor of Louisiana, et al., Civil Action No. 86-435(A). Subdistrict one shall elect judges for Divisions A, B, and C. Subdistrict two shall elect a judge for Division D.

Proposed law retains present law except it provides for any vacancy created by death, resignation, retirement, or removal, in subdistrict one, after August 1, 2019, to be filled from a candidate from subdistrict two.

(Amends R.S. 13:312.1(A))