

2020 Regular Session

HOUSE BILL NO. 757

BY REPRESENTATIVES ROBERT OWEN AND DUBUISSON

COURTS/CITY: To change the name of the Slidell City Court

1 AN ACT

2 To amend and reenact R.S. 13:1875(13), 1899(J), 2080.1(B), 2106(A) and (B), 2487.1,
3 2487.17, 2586(C)(6)(c), and 5202(E), R.S. 15:254.7, and Code of Civil Procedure
4 Articles 4843(H), 4844(A)(6), and 4847(A)(6), relative to the City Court of Slidell;
5 to change the name from the City Court of Slidell to the City Court of East St.
6 Tammany; to provide relative to the establishment of city court; to provide relative
7 to the seal of the City Court of Slidell; to provide relative to the compensation of the
8 city court judges; to provide relative to the jurisdiction and procedure of city court;
9 to provide relative to court fees and costs; to provide relative to off duty law
10 enforcement officers subpoenaed to testify; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 13:1875(13), 1899(J), 2080.1(B), 2106(A) and (B), 2487.1, 2487.17,
13 2586(C)(6)(c), and 5202(E) are hereby amended and reenacted to read as follows:

14 §1875. Compensation of city judges; particular courts

15 The judges of the following city courts shall receive the salaries herein
16 provided:

17 * * *

18 (13) Notwithstanding any other statute or provision of law to the contrary,
19 particularly R.S. 13:1874(B), the judge of the City Court of ~~Slidell~~ East St.
20 Tammany shall receive a minimum annual salary of twelve thousand nine hundred

1 twenty-nine dollars payable monthly on his own warrant by the city of Slidell, and
 2 a minimum annual salary of three thousand six hundred dollars payable monthly on
 3 his own warrant by the parish of St. Tammany. The state shall pay the salary
 4 specified by R.S. 13:1874(E). In addition, he shall also receive the same fees as are
 5 payable to justices of the peace in all civil cases where the amount involved does not
 6 exceed one hundred dollars, exclusive of interest, and the same fees as are payable
 7 to clerks of district courts in all other civil cases. He shall not receive any fees in
 8 criminal matters, including peace bond cases. The city of Slidell and the parish of
 9 St. Tammany, or either of them, may pay such additional salary as they may from
 10 time to time deem proper.

11 * * *

12 §1899. Assessment and disposition of costs in criminal cases; costs in juvenile
 13 matters for specified courts

14 * * *

15 J. Notwithstanding any other law to the contrary, any fees received by the
 16 City Court of ~~Slidell~~ East St. Tammany pursuant to Code of Criminal Procedure
 17 Article 895.1(C) in excess of the amount needed to defray the costs of supervision
 18 in criminal, traffic, and juvenile cases may be used for the operational expenses of
 19 the city court.

20 * * *

21 §2080.1. Miscellaneous city courts; fees; surplus in civil fee account

22 * * *

23 B. Each of the marshals of the City Court of Opelousas, the City Court of
 24 Ruston, the City Court of ~~Slidell~~ East St. Tammany, and the City Court of Sulphur,
 25 may collect a fee of ten dollars for the taking of an appearance bond when required
 26 to do so. The city court in such municipality may also impose an additional five-
 27 dollar fee as court costs in civil and criminal matters. The sums collected for the
 28 taking of an appearance bond, and any additional court costs as provided in this
 29 Subsection, shall be deposited in such marshal's general fund to supplement the

1 operational expenses of the marshal's office and the expenditure of such funds shall
2 be subject to and included in the marshal's annual audit. A copy of the audit shall
3 be filed with the legislative auditor who shall make it available for public inspection.

4 * * *

5 §2106. Particular courts; nonrefundable fee; assessment and disposition

6 A. In addition to all other fees and costs now or hereafter provided by law,
7 the clerk of court of the ~~city court of Slidell~~ City Court of East St. Tammany and the
8 clerk of the Twenty-Second Judicial District Court, St. Tammany Parish, except as
9 otherwise provided by law and subject to the provisions of Code of Civil Procedure
10 Article 5181 et seq., shall collect from every person filing any type of civil suit or
11 proceeding involving domestic violence a nonrefundable fee of twenty-five dollars
12 per filing.

13 B. In each criminal proceeding, involving family violence as defined in R.S.
14 46:2121.1, simple or third degree rape, forcible or second degree rape, aggravated
15 or first degree rape, aggravated assault, aggravated battery, simple battery,
16 aggravated kidnapping, simple kidnapping, or false imprisonment, or any attempt to
17 commit the aforementioned crimes, a nonrefundable fee of twenty-five dollars shall
18 be collected by the clerk of the ~~city court of Slidell~~ City Court of East St. Tammany
19 and the clerk of the Twenty-Second Judicial District Court, St. Tammany Parish,
20 which shall be in addition to all other fines, costs, or forfeitures lawfully imposed.
21 If the defendant is found guilty and placed on probation, the court shall, as a
22 condition of probation require the defendant to pay the additional fee at the time the
23 defendant is placed on probation. If the sentence of the court is incarceration, the fee
24 shall be collected at the time of imposition of sentence.

25 * * *

26 §2487.1. City Court of ~~Slidell~~ East St. Tammany

27 The offices of justice of the peace and constable in Ward 9 and that part of
28 Ward 8 of St. Tammany Parish within the city of Slidell and the mayor's court in the
29 city of Slidell are abolished, and there is hereby established a court to be styled a

1 City Court of ~~Slidell, Louisiana~~ East St. Tammany. The territorial jurisdiction of the
 2 court shall extend throughout Ward 8 and Ward 9 of St. Tammany Parish. In that
 3 part of Ward 8 outside of the city of Slidell, the subject matter jurisdiction of the
 4 Eighth Ward Justice of the Peace Court shall be the same as provided by law for
 5 other justice of the peace courts. The jurisdiction of the mayor's court for the town
 6 of Pearl River, Louisiana shall remain unchanged and unaffected by the provisions
 7 of this Section. The City Court of ~~Slidell~~ East St. Tammany shall be composed of
 8 a city judge, a marshal, and a clerk of said court. The judge and marshal of the city
 9 court shall be elected at the congressional election every six years thereafter.

10 * * *

11 §2487.17. Seal

12 The court shall be provided with a seal which shall contain a vignette of the
 13 state seal, with the words, "Seal of the City Court of ~~Slidell, Louisiana~~ East St.
 14 Tammany", which shall be used on all orders, writs and processes issuing from the
 15 court. However, the absence of the seal shall not affect the validity of such
 16 documents.

17 * * *

18 §2586. Jurisdiction and procedure

19 * * *

20 C.

21 * * *

22 (6)

23 * * *

24 (c) In Ward 8, a property standards or nuisance violation adopted pursuant
 25 to local ordinance shall be prosecuted in City Court of ~~Slidell~~ East St. Tammany or
 26 Ward 8 Justice of the Peace Court. In Ward 9, a property standards or nuisance
 27 violation adopted pursuant to local ordinance shall be prosecuted in City Court of
 28 ~~Slidell~~ East St. Tammany.

29 * * *

1 §5202. Jurisdiction

2 * * *

3 E. In the City Court of ~~Slidell~~ East St. Tammany, the small claims division
4 shall have civil subject matter jurisdiction in cases where the amount in dispute is the
5 same as the amount established for civil jurisdiction in a justice of the peace court,
6 exclusive of interest, court costs, attorney fees, or penalties, whether provided by
7 agreement or by law, provided that not more than ten parties plaintiff shall be joined
8 in the same action pursuant to Article 463 of the Code of Civil Procedure, and there
9 shall be no class certification pursuant to Articles 591 through 597 of the Code of
10 Civil Procedure.

11 * * *

12 Section 2. R.S. 15:254.7 is hereby amended and reenacted to read as follows:

13 §254.7. Compensation of off-duty law enforcement officers; City Court of ~~Slidell~~
14 East St. Tammany

15 Any sheriff, deputy sheriff, city or state police officer, or other law
16 enforcement officer subpoenaed to testify in a traffic, criminal, or juvenile case
17 before the City Court of ~~Slidell~~ East St. Tammany on a date or at a time when such
18 officer is off duty shall be paid the sum of twenty-five dollars per subpoena per day
19 by the clerk of the City Court of ~~Slidell~~ East St. Tammany. The clerk of the City
20 Court of ~~Slidell~~ East St. Tammany shall transmit the fees due under this Section to
21 the law enforcement officer's employer within thirty days after the officer qualifies
22 for the fee. The employer shall be responsible for calculating and withholding all
23 requisite deductions for taxes and for transferring or remitting all sums of employee
24 withholdings to the appropriate taxing authorities, on behalf of the law enforcement
25 officer and, within thirty days after receipt of the funds, for making payment of the
26 appropriate net amount to the law enforcement officer. Compensation allowed law
27 enforcement officers as witnesses in accordance with the provisions of this Section
28 shall not be deemed to be in lieu of, or to constitute any portion of, the salary or
29 compensation paid to such law enforcement officers for the performance of the

1 duties of their jobs, nor shall the payment of such witness fees be taken into
 2 consideration in determining the salary, any salary increase, or any supplemental pay
 3 by the state to which any law enforcement officer is or becomes entitled. As a
 4 condition precedent to receipt of the compensation provided in this Section, the law
 5 enforcement officer and his superior shall be required to certify to the clerk of the
 6 City Court of ~~ShideH~~ East St. Tammany that the officer was summoned to testify on
 7 a day while he was off duty and did in fact appear in court as commanded in the
 8 subpoena. The maximum allowable fee to be received by an officer on any given
 9 day when he is summoned in an off-duty status will be seventy-five dollars, no
 10 matter how many summons he receives for that specific day. Said sum shall be in
 11 addition to any other compensation the law enforcement officer is eligible to receive.
 12 When the fee is for the testimony of an off-duty law enforcement officer employed
 13 by public safety services of the Department of Public Safety and Corrections, the fee
 14 shall be paid directly to public safety services.

15 * * *

16 Section 3. Code of Civil Procedure Articles 4843(H), 4844(A)(6), and 4847(A)(6)
 17 are hereby amended and reenacted to read as follows:

18 Art. 4843. City court jurisdiction; amount in dispute; injunctive actions by state or
 19 political subdivision

20 * * *

21 H. In the City Court of Alexandria, the Third Ward City Court of Franklin,
 22 the City Court of Pineville, the City Court of ~~ShideH~~ East St. Tammany, the City
 23 Court of Ruston, and the City Court of Lake Charles, the civil jurisdiction is
 24 concurrent with the district court in cases where the amount in dispute, or the value
 25 of the property involved, does not exceed fifty thousand dollars.

26 * * *

1 Art. 4844. Amount in dispute; eviction proceedings

2 A. A parish court or city court shall have jurisdiction, concurrent with the
3 district court, over suits by owners and landlords for the possession of leased
4 premises as follows:

5 * * *

6 (6) In the City Court of ~~Slidell~~ East St. Tammany, the city court shall have
7 the same jurisdictional limit for possession of leased premises in eviction
8 proceedings as provided for in Code of Civil Procedure Article 4912 for justice of
9 the peace courts.

10 * * *

11 Art. 4847. Limitations upon jurisdiction

12 A.

13 * * *

14 (6) A case in which the state, or a parish, municipal, or other political
15 corporation is a defendant, except for a petition for nullity filed in the City Court of
16 ~~Slidell~~ East St. Tammany to nullify a judgment of bond forfeiture rendered by the
17 City Court of ~~Slidell~~ East St. Tammany.

18 * * *

19 Section 4. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
23 effective on the day following such approval.

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 757 Engrossed

2020 Regular Session

Robert Owen

Abstract: Changes the name of the City Court of Slidell to the City Court of East St. Tammany.

Present law abolishes the offices of justice of the peace and constable in Ward 9, the part of Ward 8 of St. Tammany Parish within the city of Slidell, and the mayor's court in the city of Slidell and establishes the City Court of Slidell, La.

Present law provides that the territorial jurisdiction of the City Court of Slidell shall extend throughout Ward 8 and Ward 9 of St. Tammany Parish, and provides that in the part of Ward 8 outside of the city of Slidell, the subject matter jurisdiction of the Eighth Ward Justice of the Peace Court shall be the same as provided by law for other justice of the peace courts.

Present law also provides that the jurisdiction of the mayor's court for the town of Pearl River, La. shall remain unchanged and unaffected by present law provisions.

Present law further provides that the City Court of Slidell shall be composed of a city judge, a marshal, and a clerk of said court. The judge and marshal of the city court shall be elected at the congressional election every six years thereafter.

With regard to Wards 8 and 9, present law provides that a property standards or nuisance violation adopted pursuant to local ordinance shall be prosecuted in the City Court of Slidell or if a Ward 8 violation is involved, the Ward 8 Justice of the Peace Court.

Present law provides that the City Court of Slidell small claims division shall have civil subject matter jurisdiction in cases where the amount in dispute is the same as the amount established for civil jurisdiction in a justice of the peace court, exclusive of interest, court costs, attorney fees, or penalties.

Present law also provides that the civil jurisdiction of the City Court of Slidell is concurrent with the district court in cases where the amount in dispute or the value of the property involved does not exceed \$50,000, and over suits by owners and landlords of leased premises.

Present law provides that the City Court of Slidell does not have jurisdiction in a case or proceeding involving a number of instances including but not limited to cases in which the state, or a parish, municipal, or other political corporation is a defendant, except for a petition for nullity filed in the City Court of Slidell to nullify a judgment of bond forfeiture rendered by that court.

Present law provides for the compensation of city court judges as well as for the compensation of off duty law enforcement officers being subpoenaed to appear in court to testify.

Present law provides for the assessment of nonrefundable fees in civil suits or proceedings involving domestic violence and criminal proceedings involving family violence.

Present law provides that any amount collected in excess of the amount needed to defray the costs of supervision in criminal, traffic, and juvenile cases may be used for the operational expenses of the city court.

Present law allows the marshal of the City Court of Slidell to collect a fee of \$10 for the taking of an appearance bond when required to do so and allows the city court to impose an additional five dollar fee as court costs in civil and criminal matters.

Present law provides that the sums collected for the taking of an appearance bond and additional court costs shall be deposited in the marshal's general fund to supplement the operational expenses of the marshal's office and that the expenditure of such marshal's general funds must be subject to and included in the marshal's annual audit. A copy of the audit shall be filed with the legislative auditor who shall make it available for public inspection.

Present law provides that the court shall be provided with a seal that shall contain a vignette of the state seal and contain the words, "Seal of the City Court of Slidell, La.", which shall be used on all orders, writs and processes issuing from the court.

Proposed law retains present law and changes the name of the city court from the City Court of Slidell to the City Court of East St. Tammany and amends present law provisions to conform with the changing of the name.

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

(Amends R.S. 13:1875(13), 1899(J), 2080.1(B), 2106(A) and (B), 2487.1, 2487.17, 2586(C)(6)(c), and 5202(E), R.S. 15:254.7, and C.C.P. Arts. 4843(H), 4844(A)(6), and 4847(A)(6))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Add an effective date based upon the signature of the governor.