

HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 184 by Representative Gregory Miller

1 AMENDMENT NO. 1

2 On page 1, line 2, after "Procedure" and before "and to" delete "Article 154(B)" and insert
3 "Articles 154(B) and 4862"

4 AMENDMENT NO. 2

5 On page 1, line 7, after "Procedure" and before "hereby" delete "Article 154(B) is" and insert
6 "Articles 154(B) and 4862 are"

7 AMENDMENT NO. 3

8 On page 2, between lines 10 and 11 insert the following:

9 " * * *

10 Art. 4862. Motion to recuse

11 A. When a written motion is made to recuse a judge of a parish court or city
12 court judge or a justice of the peace, not later than seven days after the judge or
13 justice of the peace receives the motion from the clerk of court, the judge or justice
14 of the peace shall either recuse himself, or the motion to recuse shall be tried in the
15 manner provided by Article 4863.

16 B. If the motion to recuse fails to set forth a ground for recusal under Article
17 151, the judge or justice of the peace may deny the motion without the appointment
18 of another judge or a hearing but shall provide written reasons for denial.

19 Comments - 2022

20 (a) A new time limitation has been added to Paragraph A of this Article to
21 require the judge or justice of the peace who is the subject of the motion to recuse
22 to act within seven days after receiving the motion from the clerk of court.

23 (b) Paragraph B of this Article is similar to Article 154 in that it allows a
24 judge of a parish or city court or a justice of the peace to deny a motion to recuse that
25 fails to set forth a ground for recusal under Article 151 without a hearing or the
26 appointment of another judge or justice of the peace, but the judge or justice of the
27 peace must give written reasons for the denial."