
HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Substitute for Original House Bill No. 300 by Representative Muscarello as proposed by the House Committee on House and Governmental Affairs

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 13:61, relative to the judiciary; to provide relative to the Judicial Council of the Supreme Court of Louisiana; to provide for the duties of the council; to provide relative to the review of courts and offices within the judicial branch of state government; to provide relative to data utilized by the council; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:61 is hereby amended and reenacted to read as follows:

§61. Judicial Council

A.(1) The Judicial Council of the Supreme Court of Louisiana shall adopt determinate standards and guidelines which shall be applied by the council in determining whether to approve the necessity of creating or eliminating any ~~new~~ judgeship of the supreme court, courts of appeal, district courts, city courts, parish courts, juvenile courts, family courts, traffic courts, and municipal courts, including the creation or elimination of any ~~new~~ office of commissioner, magistrate, hearing officer, or any other judicial office by whatever other name designated.

(2) The Judicial Council shall adopt determinate standards and guidelines which shall be applied by the council in determining whether to approve the necessity of splitting or merging any courts of appeal, district courts, city courts, parish courts, juvenile courts, family courts, traffic courts, and municipal courts.

B.(1) Before a bill is acted upon by the legislature to create or eliminate a ~~new~~ judgeship or office designated in Paragraph (A)(1) of this Section, a designee of the Judicial Council shall provide information to the appropriate standing committees of the House of Representatives or of the Senate as to approval of the

council as to the necessity of creating or eliminating the ~~new~~ judgeship or office of commissioner, magistrate, or hearing officer.

(2) Before a bill is acted upon by the legislature to split or merge courts designated in Paragraph (A)(2) of this Section, a designee of the Judicial Council shall provide information to the appropriate standing committees of the House of Representatives or of the Senate as to approval of the council as to the necessity of splitting or merging the courts.

C. The legislature shall not be required to ~~act upon or enact legislation or otherwise act upon any recommendation of the council. creating a new judgeship or office of commissioner, magistrate, or hearing officer even though the council has authorized the creation of the new office.~~

D. The provisions of this Section shall not apply to justice of the peace courts, mayors' courts, ~~or~~ administrative law judges employed by the ~~Division of Administrative Law~~ division of administrative law, or clerks of court.

E. The Judicial Council shall have the authority to conduct an annual review of judicial districts and appellate circuits and shall provide information and recommendations to the legislature on the appropriate number of district and appellate court judgeships within each district or circuit based upon caseload, population, or other pertinent factors, including the findings and recommendations of the Judicial Structure Task Force established by House Resolution No. 30 of the 2022 Regular Session of the Legislature. The recommendations may include proposed revisions to specific constitutional or statutory language addressing the number of such judges in each district or circuit, the need for district or circuit merger or other actions, and the filling of judicial office vacancies in such district or circuit.

F. In order to assist the council in accomplishing the reviews and evaluations provided for in this Section, the supreme court, in consultation with the clerks of court, shall adopt procedural and administrative rules to establish uniform data reporting standards for all case filings and adjudications including requirements for

electronic filing and reporting. The clerks of all Louisiana courts shall report all requested data to the council in the manner and form directed by the council.

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 Draft

2023 Regular Session

Abstract: Provides relative to the Judicial Council of the Supreme Court of La.

Present law requires the Judicial Council to adopt standards and guidelines for approving the creation of new judgeships and judicial offices and for splitting or merging courts.

Proposed law additionally requires the council to adopt standards and guidelines for the elimination of judgeships and judicial offices.

Present law provides that judgeships and judicial offices to which present law is applicable are any judgeship of the supreme court, courts of appeal, district courts, city courts, parish courts, juvenile courts, family courts, traffic courts, and municipal courts, and any office of commissioner, magistrate, hearing officer, or any other judicial office by whatever other name designated.

Present law provides that present law does not apply to justice of the peace courts, mayors' courts, or administrative law judges employed by the division of administrative law. Proposed law adds clerks of court to the excepted offices.

Proposed law requires the supreme court in consultation with the clerks of court to adopt procedural and administrative rules to establish uniform data reporting standards for all case filings and adjudications, including requirements for electronic filing and reporting. Requires all clerks of courts to report requested data to the council in the manner and form directed by the council.

(Amends R.S. 13:61)