

2023 Regular Session

HOUSE BILL NO. 217

BY REPRESENTATIVES LAFLEUR, CARPENTER, DAVIS, AND SELDERS AND  
SENATORS FIELDS AND FOIL

1 AN ACT

2 To amend and reenact R.S. 13:711, 712(B), and 713(A) and (B), relative to the  
3 commissioners of the Nineteenth Judicial District Court; to provide relative to the  
4 appointment of additional commissioners; to provide for the salary of the  
5 commissioners; to provide for the powers and duties of the commissioners of the  
6 Nineteenth Judicial District; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:711, 712(B), and 713(A) and (B) are hereby amended and  
9 reenacted to read as follows:

10 §711. Nineteenth Judicial District Court; commissioners

11 A. The offices of commissioner of the Nineteenth Judicial District Court are  
12 hereby created. ~~Two~~ Four commissioners shall be appointed in said judicial district,  
13 such offices to be designated as Section A, ~~and Section B, respectively~~ Section B,  
14 Section C, and Section D, respectively.

15 B. Each such commissioner shall be selected by a majority of the duly  
16 elected judges of the Nineteenth Judicial District. A commissioner shall serve at the  
17 pleasure of the court and may be removed from office by a majority of the elected  
18 judges of the district. Additionally, any commissioner shall be subject to removal  
19 from office for any reason for which a district judge may be removed.

20 §712. Commissioners; qualifications; salary and benefits; restrictions on  
21 employment; quarters; supplies; equipment; and employees

22 \* \* \*

23 B. The salary of ~~each commissioner~~ the commissioners in Section A and  
24 Section B, in addition to any supplements or emoluments otherwise provided by law,

1 shall be ninety percent of the state-funded portion of the salary paid to a district  
 2 judge per annum, such salary and related benefits to be payable in the same manner  
 3 and from the same sources as the salary and benefits of a district judge. The salary  
 4 of the commissioners in Section C and Section D, in addition to any supplements or  
 5 emoluments otherwise provided by law, shall be ninety percent of the state-funded  
 6 portion of the salary paid to a district judge per annum, such salary and related  
 7 benefits to be payable from funds available to the Nineteenth Judicial District Court.  
 8 Commissioners shall be members of the State Employees' Retirement System.

9 \* \* \*

10 §713. Commissioners; duties; powers; contempt

11 A. Commissioners of the Nineteenth Judicial District Court shall perform  
 12 such duties as are assigned to them by the chief judge of the district in accordance  
 13 with rules which shall be prescribed by the elected judges of the court, not  
 14 inconsistent herewith or with the constitution and laws of the state. Such duties shall  
 15 include but shall not be limited to hearing and recommendation of disposition of any  
 16 ~~civil or criminal matter~~ civil, criminal, or domestic violence matter which may be  
 17 assigned by rule of court or by any judge of the Nineteenth Judicial District Court,  
 18 and hearing and recommendation of disposition of criminal and civil proceedings  
 19 arising out of the incarceration of state prisoners. In such proceedings, the  
 20 commissioners may hold hearings at the facilities where the state prisoners are  
 21 incarcerated.

22 B.(1) Over matters pending in the Nineteenth Judicial District Court,  
 23 commissioners shall have all powers of a district judge not inconsistent with the  
 24 constitution and laws of the state and the United States nor with the rules of the court  
 25 and their assigned duties, ~~including but not limited to the powers to administer oaths~~  
 26 ~~and affirmations, take acknowledgements, affidavits and depositions, sign orders, act~~  
 27 ~~on felony and misdemeanor charges, hear preliminary motions, accept pleas in~~  
 28 ~~misdemeanor cases including misdemeanor cases preliminary to trial on the merits,~~  
 29 ~~conduct trials of misdemeanor cases, fix bail, and sign and issue search and arrest~~  
 30 ~~warrants upon probable cause being shown and in accordance with law. A~~

1 ~~commissioner shall not have the power to adjudicate cases, except as provided in~~  
2 ~~Subsection E of this Section and except to render and sign judgments and orders~~  
3 ~~confirming judgments by default after receipt of proof sufficient to establish a prima~~  
4 ~~facie case as required by law. A commissioner may sign any and all orders which~~  
5 ~~clerks of court are authorized to sign pursuant to Code of Civil Procedure Article~~  
6 ~~283.~~

7 (2) In criminal matters, the powers and duties of the commissioners shall  
8 include but are not limited to the power to:

9 (a) Administer oaths and affirmations.

10 (b) Take acknowledgments, affidavits, and depositions.

11 (c) Sign orders.

12 (d) Act on felony and misdemeanor charges.

13 (e) Hear preliminary motions prior to filing the bill of information or  
14 indictment and make recommendations to the district judge.

15 (f) Fix bail.

16 (g) Sign and issue search and arrest warrants upon probable cause being  
17 shown and in accordance with law.

18 (h) Conduct seventy-two hour hearings or call out. For purposes of this  
19 Subparagraph, the term "call out" refers to an individual's initial appearance before  
20 the criminal court judge on duty in order to appoint counsel and set or review bail on  
21 each pending charge if the commissioner finds probable cause to support the charge.

22 (i) Sign waivers of extradition only upon written consent of the defendant  
23 and the expressed waiver of the defendant's right to have his extradition heard by a  
24 district court.

25 (j) Supervise defendants sentenced under the provisions of the specialty  
26 courts in accordance with the policies established by the judges of the Nineteenth  
27 Judicial District Court.

28 (k) Supervise all conditions of bail bonds.

29 (l) Review and act on petitions for protective order and matters of domestic  
30 violence, including the issuance of temporary orders of protection and temporary  
31 restraining orders, until such time as hearings may be conducted on the matters.

1 (m) Conduct hearings regarding protective orders and make  
 2 recommendations to the appropriate district judge for the issuance of a preliminary  
 3 or permanent injunction.

4 (3) In civil matters, the powers and duties of the commissioners shall include  
 5 but are not limited to the power to:

6 (a) Administer oaths and affirmations.

7 (b) Take acknowledgments, affidavits, and depositions.

8 (c) Review and act on petitions for protective orders and matters of domestic  
 9 violence, including the issuance of temporary orders of protection and temporary  
 10 restraining orders, until such time as hearings may be conducted on the matters.

11 (d) Conduct hearings regarding protective orders and make recommendations  
 12 to the appropriate district judge for issuance of a preliminary or permanent  
 13 injunction.

14 (4) A commissioner shall not have the power to adjudicate cases, except as  
 15 provided in Subsection E of this Section and except to render and sign judgments and  
 16 orders confirming judgments by default after receipt of proof sufficient to establish  
 17 a prima facie case as required by law. A commissioner may sign any and all orders  
 18 which clerks of court are authorized to sign pursuant to Code of Civil Procedure  
 19 Article 283.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_