

2024 Regular Session

HOUSE BILL NO. 715

BY REPRESENTATIVE ROBBY CARTER

JUDGES: Creates a new parish court in St. Helena

1 AN ACT

2 To enact R.S. 13:2566, relative to the parish court of St. Helena; to provide for the
3 establishment of the parish court; to provide for the territorial jurisdiction, venue,
4 and civil jurisdiction of the parish court; to provide relative to the clerk of court of
5 the parish court; to provide relative to the parish court judge; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:2566 is hereby enacted to read as follows:

9 §2566. Parish Court for the parish of St. Helena

10 A. There is hereby established a court to be known and designated as "The
11 Parish Court for the Parish of St. Helena", state of Louisiana, which is hereinafter
12 referred to as "the court". The territorial boundaries of the court shall extend
13 throughout the entire parish of St. Helena and shall include all territory within the
14 boundaries of municipalities of the parish.

15 B.(1) The court shall have civil jurisdiction concurrent with that of the
16 district court, within its territorial boundaries, when the amount in dispute, or the
17 value of the property involved, does not exceed the jurisdictional amount provided
18 in Code of Civil Procedure Article 4842(A); and in suits for possession of leased
19 premises where the amount of the rental does not exceed the jurisdictional amounts
20 provided in Code of Civil Procedure Article 4844(A); and in case of reconventional

1 demands, interventions, and third party oppositions filed in the court and necessarily
2 connected with or growing out of the main demand, the court shall retain jurisdiction
3 irrespective of the amount in dispute or the value of the property involved.

4 (2) The court shall not have jurisdiction in civil matters involving
5 successions or probate matters; where a succession is the defendant; in divorce
6 proceedings; in matters concerned with adoption, emancipation, interdiction or
7 filiation of persons; when the state, political corporation, parish or other political
8 subdivision is a party defendant; where title to immovable property is involved; in
9 election contests; in a case where a state, parish or other public official is involved
10 in his official capacity, or where the right to office or other public position is
11 involved; over civil or political rights; or where a federal or state law or a parish or
12 municipal ordinance is sought to be invalidated, or cases involving the appointment
13 of receivers or liquidators for corporations or partnerships.

14 C. The court shall have criminal jurisdiction concurrent with that of the
15 district court, for the trial of all persons charged with offenses or crimes committed
16 within its territorial boundaries, but not including capital crimes or those crimes or
17 offenses which are punishable by imprisonment at hard labor under the laws of this
18 state. It shall have jurisdiction over violations and enforcement of parish ordinances
19 concurrent with the district court.

20 D. The court, when in session under the provisions of laws applicable to
21 juvenile courts, shall be known as the parish juvenile court.

22 (1) The judge of the court shall be ex officio judge of the juvenile court
23 within his jurisdiction. The judge shall have jurisdiction concurrent with that of the
24 district court and shall have all powers conferred on judges of the district court as
25 judges of the juvenile court.

26 (2) The clerk of the district court for the parish of St. Helena, or a deputy
27 clerk assigned by him, shall be ex officio clerk of the juvenile court for the parish.

28 (3) The sessions of the parish court when sitting as juvenile court shall be
29 held apart from all sessions of the parish court, and its records shall be kept

1 separately. The court may sit in chambers and may hold its session irrespective of
2 terms of court.

3 E.(1) The office of judge of the court is hereby established. The judge shall
4 be elected by the qualified electors of the parish of St. Helena. The term of office
5 of the judge shall be six years. The judge shall possess the same qualifications that
6 are required of district judges.

7 (2) The judge shall receive an annual salary of not less than sixty-eight
8 thousand five hundred twenty-two dollars, payable monthly on his own warrant by
9 the state of Louisiana and the municipalities within the parish of St. Helena,
10 apportioned as follows:

11 (a) The state of Louisiana shall pay the sum of sixty-five thousand five
12 hundred ninety-five dollars per annum, subject to the increases mandated by R.S.
13 13:50.

14 (b) The municipalities of St. Helena shall pay the sum of two thousand nine
15 hundred twenty-seven dollars per annum.

16 F. The governing authority of St. Helena Parish shall annually appropriate
17 from the parish general fund and the St. Helena Parish Judicial Expense Fund
18 amounts sufficient to fully fund the operations of the court, which shall include the
19 salaries and benefits of the court employees.

20 G. The judge shall sit and hold court a minimum of four days per week in the
21 municipality of Greensburg for the purpose of hearing any matter within the
22 jurisdiction of the court.

23 H. The judge of the court may perform marriage ceremonies, require bonds
24 to keep the peace, issue warrants of arrest, examine, commit, and admit to bail and
25 discharge, and hold preliminary examinations in all cases not capital, and shall have
26 all the powers of a district judge within the limits of the jurisdiction of the court. The
27 judge also has the authority to issue the necessary writs in all cases in order to carry
28 into effect the jurisdiction of the court, irrespective of the value of the property
29 seized.

1 I. The judge of the court shall have the power to fix a schedule of fines,
2 including costs, for the various traffic offenses, and any person charged with such
3 an offense may plead guilty before the appropriate law enforcement officer, being
4 the sheriff or his deputy or the chief law enforcement officer or his assistant of the
5 particular municipality depending upon where the offense occurred, who shall make
6 a record of the plea, and the person so pleading shall pay to such officer the fine and
7 cost for such offense as fixed by the judge in his schedule of fines for the particular
8 offense. The law enforcement officer shall notify the clerk of the plea and the clerk
9 shall make an entry of the plea.

10 J. The judge of the court may take an annual vacation of one month. The
11 judge may appoint an attorney residing within the territorial boundaries of the court
12 to sit and hold court when the judge is absent from the territorial jurisdiction of the
13 court while on vacation. The attorney shall possess the same qualifications as those
14 required of the judge. Such attorney shall be paid from the judicial expense fund
15 established by Subsection R of this Section, a sum equal to the proportionate amount
16 of the judge's salary for the period of time for which the appointee serves as judge
17 of the court, and he shall have the powers and duties of a regular judge while sitting
18 as such.

19 K. The provisions of Book VIII of the Louisiana Code of Civil Procedure
20 shall be applicable to the court in all civil cases except as otherwise herein provided.

21 L. The clerk of the district court for the parish of St. Helena shall be ex
22 officio clerk of court for this court. The clerk, or any deputy appointed by the clerk,
23 may be assigned to act as minute clerk, and shall perform such other clerical duties
24 as the judge shall direct. The clerk of court shall be entitled to fix his fees, but in no
25 event shall those fees exceed the fees chargeable in the Twenty-Third Judicial
26 District Court. The clerk shall provide the court with a seal, which shall contain a
27 vignette of the state seal, with the words, "Seal of the Parish Court for the Parish of
28 St. Helena", which shall be used on all orders, writs and processes issuing from the

1 court. However, the absence of the seal shall not affect the validity of such
2 documents.

3 M. The executive officer of the court shall be the sheriff of the parish of St.
4 Helena. All writs and processes in civil matters issued by the court, and writs and
5 processes in criminal matters issued by the court which require service shall be
6 served by the sheriff or his deputy. The sheriff for such service shall receive the fees
7 provided by law, applicable to the Twenty-First Judicial District Court. The fees for
8 such service shall be the same as the fees provided by law applicable to the
9 Twenty-First Judicial District Court, and such fees shall be paid into the general fund
10 of the municipality wherein service is required to be made.

11 N. All criminal cases shall be prosecuted by the district attorney for the
12 Twenty-First Judicial District, or through an assistant appointed by him.

13 O.(1) The judge shall appoint a competent court reporter to take the evidence
14 in any case in which it is necessary to do so under the laws applicable to district
15 courts, unless the parties waive the appointment of the reporter. At the request of
16 any party, the judge shall order the transcription of the testimony of the court
17 reporter. Except in pauper cases, the fees of the court reporter in civil cases shall be
18 charged as costs in the litigation and shall be paid primarily by the party requesting
19 the transcription. However, the reporter is not required to file the transcript before
20 payment.

21 (2) The governing authority of the parish of St. Helena shall fix and pay the
22 salary of the court reporter.

23 P. The governing authority of the parish of St. Helena shall provide suitable
24 space for the operation of the court.

25 Q.(1) In all criminal cases over which the court has jurisdiction, there shall
26 be taxed as costs against every defendant who is convicted after trial or after a plea
27 of guilty or who forfeits his bond, a sum determined by the judge of the parish court,
28 which sum shall not exceed fifteen dollars, which shall be in addition to all other
29 finances, costs or forfeitures lawfully imposed and which shall be transmitted on a

1 monthly basis to the chief financial officer of St. Helena Parish, hereinafter referred
2 to as "chief financial officer", for deposit into the Judicial Expense Fund. Any bench
3 warrant fees collected by the court from a defendant shall also be transmitted to the
4 chief financial officer for deposit into the Judicial Expense Fund.

5 (2) The chief financial officer shall place all sums collected or received
6 under Paragraph (1) of this Subsection in a separate account to be designated as the
7 Judicial Expense Fund for the Parish Court for the Parish of St. Helena. The
8 governing authority of St. Helena Parish shall have control over the fund and all
9 disbursements made therefrom shall cause to be conducted annually an audit of the
10 fund and the books and accounts relating thereto and shall file the audit with the
11 office of the legislative auditor where it shall be available for public inspection.

12 (3) The judicial expense fund is established and may be used for any purpose
13 or purposes connected with, incidental to, or related to the proper administration or
14 function of the said court or the offices of the judge, and is in addition to any and all
15 other funds, salaries, expenses, or other monies that are now or hereafter provided,
16 authorized, or established by law for any of the aforesaid purposes. However, no
17 salary shall be paid from the judicial expense fund to the judge, except the judge
18 appointed temporarily under the provisions of Subsection J of this Section.

19 (4) In all criminal cases over which the court has jurisdiction and is
20 authorized to collect a probation fee pursuant to Code of Criminal Procedure Article
21 895.1(C), said sums shall be transmitted to the clerk of court and placed in a separate
22 account designated as the Parish Court Probation Fee Fund. The judge of the parish
23 court shall have control over the fund and all disbursements made therefrom. He
24 shall cause to be conducted annually an audit of the fund and the books and accounts
25 relating thereto, and shall file the same with the office of the legislative auditor
26 where it shall be available for public inspection. The fund created under this
27 Subsection may be used for any purpose or purposes connected with, incidental to,
28 or related to the proper administration or function of the said court or the offices of
29 the judge, and is in addition to any and all other funds, salaries, expenses, or other

1 monies that are now or hereafter provided, authorized or established by law for any
2 of the aforesaid purposes.

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 715 Original

2024 Regular Session

Robby Carter

Abstract: Provides for the establishment of the St. Helena Parish Court.

Proposed law establishes the "The Parish Court for the Parish of St. Helena."

Proposed law fixes the territorial jurisdiction of the parish court as extending throughout the parish of St. Helena.

Proposed law provides that the civil jurisdiction of the court shall be concurrent with that of the district court, within its territorial boundaries, when the amount in dispute, or the value of the property involved, does not exceed the jurisdictional amounts provided in C.C.P. Art. 4842(A). Provides that in suits for possession of leased premises where the amount of the rental does not exceed the jurisdictional amounts provided in C.C.P. Art. 4844(A), the court shall have civil jurisdiction concurrent with the district court. Provides further that in case of reconventional demands, interventions, and third party oppositions filed in the court and necessarily connected with or growing out of the main demand, the court shall retain jurisdiction irrespective of the amount in dispute or the value of the property involved.

Proposed law provides that the court shall not have jurisdiction in civil matters involving successions or probate matters; where a succession is the defendant; in divorce proceedings; in matters concerned with adoption, emancipation, interdiction or filiation of persons; when the state, political corporation, parish or other political subdivision is a party defendant; where title to immovable property is involved; in election contests; in a case where a state, parish or other public official is involved in his official capacity, or where the right to office or other public position is involved; over civil or political rights; or where a federal or state law or a parish or municipal ordinance is sought to be invalidated, or cases involving the appointment of receivers or liquidators for corporations or partnerships.

Proposed law confers criminal jurisdiction concurrent with that of the district court of offenses committed within its territorial limits, but not extending to capital crimes or offenses with is punishable by imprisonment or hard labor under the laws of this state and for violations and enforcement of the parish ordinances of St. Helena.

Proposed law provides for a juvenile court division, when in session under the provision of laws applicable to juvenile courts.

Proposed law provides for one judge to be elected by the qualified electors of the parish of St. Helena, who is to serve a six-year term and possesses the same qualifications that are required of district judges. Provides further for the salary of the judge and parish court employees.

Proposed law provides that the judge shall sit and hold court a minimum of four days per week in he municipality of Greensburg for the purpose of hearing any matter within the jurisdiction of the court.

Proposed law provides for the powers of the judge.

Proposed law provides for the annual vacation of the judge and temporary appointment of an attorney who possesses the same qualifications required of the judge.

Proposed law provides for duties of the clerk and court reporter.

Proposed law provides relative to duties of the sheriff and district attorney for the 21st JDC.

Proposed law provides that the governing authority of the parish of St. Helena shall provide suitable space for the operation of the court.

Proposed law establishes the Judicial Expend Fund.

(Adds R.S. 13:2566)