

SENATE BILL NO. 185

BY SENATORS SEABAUGH, CARTER, FOIL AND JENKINS AND REPRESENTATIVE LARVADAIN

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 13:4163(C)(1), (D)(2), (E)(1)(a)
3 and (b), (G), (H)(2), and (I)(1) and to enact R.S. 13:4163(E)(2)(c) and (F)(3), (4),
4 and (5), relative to civil procedure; to provide with respect to legislative
5 continuances and extensions; to provide with respect to continuance and extension
6 of deadlines; to provide with respect for time delays; to provide with respect to
7 opposition to a motion for continuance or extension; to provide for attorney fees and
8 court costs; to provide for exceptions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. The introductory paragraph of R.S. 13:4163(C)(1), (D)(2), (E)(1)(a) and
11 (b), (G), (H)(2) and (I)(1) are hereby amended and reenacted and R.S. 13:4163(E)(2)(c) and
12 (F)(3), (4), and (5) are hereby enacted to read as follows:

13 §4163. Ex parte motion for legislative continuance or extension of time, legislators
14 or employees engaged in legislative or constitutional convention
15 activities

16 * * *

17 C.(1) Such peremptory grounds are available for the continuance of any type
18 of proceeding and the extension of any type of deadline **or legal delay** pertaining to
19 a criminal case, civil case, or administrative proceeding, if the presence,
20 participation, or involvement of a member or employee is required in any capacity,
21 including any pretrial or post-trial legal proceeding, during:

22 * * *

23 D. * * *

24 (2)~~(a)~~ A motion for ~~legislative~~ continuance or extension shall be filed at no
25 cost to a member, employee, or a client of a member or employee.

26 **(b) If a party or attorney opposes a motion for continuance or extension**

1 of a deadline pursuant to this Section, upon motion of any party or upon its own
2 motion, the court shall award attorney fees and court costs payable by the party
3 or attorney who opposes such motion.

4 E.(1)(a) If the grounds for a legislative continuance or extension are founded
5 upon the convening of a ~~regular~~ **any** legislative session or a constitutional
6 convention, the motion for legislative continuance or extension shall be timely if
7 filed no later than five calendar days prior to the ~~hearing or court~~ proceeding to be
8 continued.

9 (b) If the grounds for a legislative continuance or extension are founded upon
10 any provision of Subparagraph (C)(1)(c) of this Section ~~or upon the issuance of a call~~
11 ~~for an extraordinary session of the legislature~~, the motion for legislative continuance
12 or extension shall be timely if filed no later than five calendar days prior to the
13 ~~hearing or court~~ proceeding to be continued or no later than two days following the
14 issuance of the notice of the meeting or of the call for the extraordinary legislative
15 session, which ever occurs last.

16 * * *

17 (2) * * *

18 (c) A motion for continuance or extension of a legal deadline shall be
19 considered timely if filed within five days prior to a hearing or proceeding on
20 a motion for sanctions or penalties brought by a party or attorney due to the
21 failure of the member or employee to comply with the legal deadline.

22 * * *

23 F. (1) * * *

24 * * *

25 (3) The provisions of this Section shall not apply to proceedings wherein
26 a temporary restraining order, protective order, preliminary injunction,
27 permanent injunction, court-approved consent agreement resulting from an
28 action brought, or order issued pursuant to any of the following:

29 (a) R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., R.S. 46:2181
30 et seq., R.S. 9:361 et seq., R.S. 9:372, Children's Code Article 1564 et seq., Code

1 of Civil Procedure Articles 3604 and 3607.1, or peace bonds pursuant to Code
2 of Criminal Procedure Article 30(B).

3 (b) Code of Criminal Procedure Articles, including 871.1, regarding the
4 disposition, sentence, or bail condition of a criminal matter.

5 (c) R.S. 46:1846 to prohibit communications between offenders and
6 victims following a charge or after sentencing for any crime of violence as
7 defined in R.S. 14:2, felony sex offense as defined in R.S. 46:1844(W), felony
8 human trafficking-related offense as defined in R.S. 46:1844(W), or a felony
9 offense committed upon a family member, household member, or dating
10 partner as defined by R.S. 46:2132, or upon an immediate family member of
11 such person.

12 (d) R.S. 15:574.4.2(A)(5) as condition of a parole release which requires
13 that the parolee stay away from any specific person, when the order is issued for
14 the purpose of preventing violent or threatening acts, harassment against,
15 contact or communication with, or physical proximity to, another person to
16 prevent witness intimidation, domestic abuse, stalking, dating violence, or
17 sexual assault.

18 (4) The provisions of this Section shall not apply to proceedings pursuant
19 to the Domestic Violence Prevention Firearm Transfer Act and Code of
20 Criminal Procedure Article 1001 et seq.

21 (5) The provisions of this Section shall not apply to proceedings for writs
22 of habeas corpus for the determination and enforcement of rights to the custody
23 of a minor or for the release of a person in custody in which the family court has
24 original jurisdiction.

25 G.(1) Any action taken against a person, including any sanction imposed on
26 an attorney, who has filed a motion for legislative continuance or extension and
27 which results from the failure of such person or attorney to appear or comply with
28 an order of the court or agency or any deadline **or legal delay** shall be considered an
29 absolute nullity and shall be set aside by the court or agency upon the filing of a
30 motion by the aggrieved person or attorney.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

(2) Any action taken against a person who has filed a motion for continuance or extension which resulted from or relates back to a misapplication of this Section shall be considered an absolute nullity and shall be set aside by a court or agency upon the filing of a motion by the aggrieved person or attorney, at no cost to a member, employee, or client of a member or employee.

H.

* * *

(2) If a motion filed pursuant to Subsection G of this Section is denied, such denial shall be an appealable order and may be appealed to or a supervisory writ may be filed with the supreme court or courts of appeal. An appeal or application of supervisory writ shall be filed at no cost to a member, employee, or client of a member or employee.

I.(1) For sufficient cause shown, the court shall consider a motion for legislative continuance or extension at any time prior to ~~the hearing or~~ a court proceeding.

* * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____