

2025 Regular Session

HOUSE BILL NO. 409

BY REPRESENTATIVE LAFLEUR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS/COMMISSIONERS: Provides relative to court commissioners of the 19<sup>th</sup> JDC

## 1 AN ACT

2 To amend and reenact R.S. 13:713(A) and (B)(2)(e) and (l) and (3)(d) and to repeal R.S.  
3 13:713(B)(2)(m) and (3)(c), relative to court commissioners of the 19th Judicial  
4 District Court; to provide for the powers and duties of the commissioners; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:713(A) and (B)(2)(e) and (l) and (3)(d) are hereby amended and  
8 reenacted to read as follows:

9 §713. Commissioners; duties; powers; contempt

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

1 B.

2 \* \* \*

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

5 \* \* \*

6 (e) Hear and dispose of preliminary motions prior to filing the bill of  
7 information or indictment and make recommendations, when necessary, to the  
8 district judge.

9 \* \* \*

10 (1) ~~Review and act on petitions for protective orders and matters of domestic~~  
11 ~~violence, including the issuance of temporary orders of protection and temporary~~  
12 ~~restraining orders, until such time as hearings may be conducted on the matters.~~  
13 Issue protective orders if a condition of bail or if required by statute.

14 \* \* \*

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

17 \* \* \*

18 (d) Conduct hearings regarding protective orders, ~~and make~~  
19 ~~recommendations to the appropriate district judge for issuance of a preliminary or~~  
20 ~~permanent injunction.~~

21 \* \* \*

22 Section 2. R.S. 13:713(B)(2)(m) and (3)(c) are hereby repealed in their entirety.

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#### 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)]

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HB 409 Engrossed

2025 Regular Session

LaFleur

**Abstract:** Clarifies that certain powers and duties of commissioners of the 19th JDC shall be assigned only when necessary. Removes certain powers and duties of the commissioners with regard to hearings for protective order injunctions as well as the administration of oaths, affidavits, and protective orders.

Present law provides that the duties of a commissioner of the 19th JDC shall include hearings and making recommendations of dispositions of any civil, criminal, or domestic violence matter assigned to any judge of the 19th JDC.

Proposed law retains present law but clarifies that these duties shall only be assigned when necessary.

Present law provides that in criminal matters the commissioners may hear preliminary motions prior to filing the bill of information or indictment and may make recommendations to the district judge.

Proposed law retains present law and further provides that the commissioner may dispose of preliminary motions but may only hear and dispose of preliminary motions when necessary.

Present law provides that a commissioner may review and act on petitions for protective orders and matters of domestic violence, including the issuance of a temporary order of protection or restraint until a hearing may be conducted.

Proposed law changes present law to provide that a commissioner may issue a protective order if the protective order is a condition of bail or is required by statute.

Present law provides that a commissioner may administer oaths, take acknowledgments, affidavits and depositions, review and act on petitions for protective orders, conduct hearings regarding protective orders, and make recommendations to the district judge for the issuance of a preliminary or permanent injunction in both civil and criminal matters.

Proposed law retains present law but repeals the authority of the commissioner to make recommendations to the district judge for the issuance of a preliminary or permanent injunction in both civil and criminal matters.

Present law provides that a commissioner may conduct hearings on protective orders and make recommendations to the district judge for the issuance of a preliminary or permanent injunction.

Proposed law repeals present law.

(Amends R.S. 13:713(A) and (B)(2)(e) and (l) and (3)(d); Repeals R.S. 13:713(B)(2)(m) and (3)(c))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Remove the authority of commissioners to handle protective orders and matters of domestic violence in civil matters.