

FOR OFFICE USE ONLY

HOUSE FLOOR AMENDMENTS

2026 Regular Session

Amendments proposed by Representative McMakin to Reengrossed Senate Bill No. 256 by Senator Morris

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To amend and reenact" delete the remainder of the line and lines 3
3 through 4 in their entirety

4 AMENDMENT NO. 2

5 On page 1, at the beginning of line 5, delete "1511.3(A)(1), and insert "R.S. 13:761(C),
6 1211, 1211.1, 1212(A), (B)(1) through (5), 1212.1, 1213.1, 1213.2, 1216, 1222, 1338,
7 1371.2, 1373(A)(1), 1373.1, the introductory paragraph of 1381, 1381(21), 1381.3,
8 1381.5(A) and (B)(2)(e), 1381.7(A), 2515, and 5971, R.S. 15:85.1(A)(2)(d) and R.S.
9 18:2(3), 444(E), 602(C)(1) and (E)(2)(c), 1300.7(B), 1354(A)(1), 1511.2(E), and
10 1511.3(A)(1) and to repeal R.S. 13:1031, 1033, 1371, 1371.1, and 1378, "

11 AMENDMENT NO. 3

12 On page 1, delete lines 11-13 and insert the following:

13 "Section 1. R.S. 13:761(C), 1211, 1211.1, 1212(A), (B)(1) through (5), 1212.1,
14 1213.1, 1213.2, 1216, 1222, 1338, 1371.2, 1373(A)(1), 1373.1, the introductory paragraph
15 of 1381, 1381(21), 1381.3, 1381.5(A) and (B)(2)(e), 1381.7(A), 2515, and 5971 are hereby
16 amended and reenacted to read as follows:"

17 AMENDMENT NO. 4

18 On page 1, between lines 13 and 14 insert the following:

19 "§761. Clerks' Supplemental Compensation Fund; creation; sources of funds
20 * * *

21 C. The clerks of all of the district courts ~~and criminal district courts~~ of this
22 state shall remit to the Clerks' Supplemental Compensation Fund from the funds
23 transferred from the advance deposit account to the salary fund account an amount
24 calculated at the rate of four dollars for every original civil suit filed in their offices.
25 The clerk of ~~the Civil District Court~~ court for the parish of Orleans shall remit the
26 fees required in this Subsection from the judicial expense fund of the Civil District
27 Court for the parish of Orleans. ~~The clerk of the Criminal District Court for the~~
28 ~~parish of Orleans shall remit the fees required in this Subsection from the clerk of the~~
29 ~~Criminal District Court Expense Fund for the parish of Orleans.~~ The clerks of all of
30 the district courts and criminal district courts of this state shall remit all costs so
31 collected to the board monthly on or before the tenth day of each calendar month.
32 The disbursement of the proceeds from the fund may be authorized only by a
33 majority of the members of the board.

34 * * *"

35 AMENDMENT NO. 5

36 On page 2, delete lines 3 through 5 in their entirety and insert the following:

1 "court. The clerk is authorized ~~, with the approval of the judges of the civil district~~
2 ~~court,~~ to appoint deputies and other assistants; and he may remove them at pleasure, ~~or the~~
3 ~~court may remove them.~~ Each judge of"

4 AMENDMENT NO. 6

5 On page 2, line 6, after "appointed" insert ", subject to the rules of the court to which
6 they are assigned,"

7 AMENDMENT NO. 7

8 On page 2, line 14, after "clerk of" delete "the"

9 AMENDMENT NO. 8

10 On page 3, line 3, after "clerk of " delete "the civil district"

11 AMENDMENT NO. 9

12 On page 3, at the beginning of line 27 delete "Parish" and insert "parish"

13 AMENDMENT NO. 10

14 On page 3, line 29, after "clerk" delete "of the civil district court"

15 AMENDMENT NO. 11

16 On page 5, line 5, after "clerk of" delete "the civil district"

17 AMENDMENT NO. 12

18 On page 5 between lines 12 and 13 insert the following:

19 "§1338. Transfer of cases
20 A. All pending cases filed in the Civil District Court for the Parish parish
21 of Orleans over civil commitment proceedings where the Criminal District Court for
22 the Parish parish of Orleans has determined a mentally defective defendant is
23 incapable of standing trial, is a danger to himself or others, and is unlikely in the
24 foreseeable future to be capable of standing trial are hereby transferred to the
25 Criminal District Court for the Parish of Orleans for further proceedings in
26 accordance with law. A judge of the civil district court or the criminal district court
27 on his own motion, or upon motion by the district attorney of Orleans Parish or the
28 attorney of the defendant, may have such case transferred upon the signing of the
29 order to transfer by either a judge of the Criminal District Court for the Parish parish
30 of Orleans or a judge of the Civil District Court for the Parish parish of Orleans.
31 ~~Upon the signing of such an order, the clerk of the Civil District Court for the Parish~~
32 ~~of Orleans or the clerk of the Criminal District Court for the Parish of Orleans shall~~
33 ~~effect delivery of the record to the clerk of the Criminal District Court for the Parish~~
34 ~~of Orleans, who shall receipt the same and properly file it in his office.~~ The Criminal
35 District Court for the Parish parish of Orleans shall hear and dispose of the case with
36 the same legal effect as if it had been instituted in that court in the first instance.
37 B. With respect to cases and jurisdiction transferred according to this
38 Section, the ~~criminal~~ sheriff for the parish of Orleans is vested with the power and
39 authority to serve all notices, subpoenas, papers, writs, and orders and to make
40 proper return thereto to the Criminal District Court for the Parish parish of Orleans.
41 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 AMENDMENT NO. 13

2 On page 7, between lines 1 and 2 insert the following:

3 "§1381. Fees

4 The following charges may be made for the services of the clerk of ~~the~~
5 ~~criminal district court~~ for the parish of Orleans:

6 * * *

7 (21) For making copies of any paper, document, or other proceeding, the
8 original of which is in the custody of the clerk of ~~the criminal district court~~ for the
9 parish of Orleans including certificate and seal thereto, for each one hundred words,
10 sixty cents.

11 * * *"

12 AMENDMENT NO. 14

13 On page 7, after line line 2, after "Clerk of" delete "the Criminal District"

14 AMENDMENT NO. 15

15 On page 7, at the end of line 6, after "clerk" delete "of the"

16 AMENDMENT NO. 16

17 On page 7, at the beginning of line 7, delete "Criminal District Court"

18 AMENDMENT NO. 17

19 On page 7, between lines 9 and 10 insert the following:

20 "§1381.5. The Orleans Parish administration of criminal justice fund

21 A. There is hereby created an Orleans Parish administration of criminal
22 justice fund which shall be maintained and supervised by the ~~criminal~~ sheriff of the
23 parish of Orleans for the purpose of collecting and distributing proceeds received
24 from the annual licensing fee pursuant to R.S. 22:822.

25 B. * * *

26 (2) Each quarterly distribution shall be calculated and allocated as follows:

27 * * *

28 (e) Twenty percent of all funds received to the Clerk of ~~the Criminal District~~
29 Court Expense Fund for the parish of Orleans.

30 * * *"

31 AMENDMENT NO. 18

32 On page 7, between lines 22 and 23 insert the following:

33 "§2515. Application for supervisory writs; stay orders

34 All applications for supervisory writs of certiorari, prohibition, or mandamus
35 to the Criminal District Court for the ~~Parish~~ parish of Orleans from the Municipal
36 and Traffic Court of New Orleans shall be filed with the clerk of ~~the Criminal~~
37 ~~District Court~~ for the ~~Parish~~ parish of Orleans, and shall be by him allotted to the
38 criminal court of appeals panel then sitting to hear appeals within that court under
39 its rules, in connection with cases not appealable to the Supreme Court of Louisiana.
40 No stay order shall be binding on the lower court unless at least two of such judges
41 shall order such stay. The application for writs shall follow the general form and
42 shall contain all documents and exhibits now required by Rule X of Rules of the
43 Supreme Court of Louisiana, or as may be hereafter required under Rule X.

44 * * *

45 §5971. Applicability

1 The judicial administrative districts authorized by this Chapter shall provide
2 an optional and additional method of funding ~~the office of the clerk for the Criminal~~
3 ~~District Court for the parish of Orleans~~, the office of the clerk of court for the Civil
4 ~~District Court~~ for the parish of Orleans, and the office of the clerk of district court
5 for each of the other parishes.

6 Section 2. R.S. 15:85.1(A)(2)(d) is hereby amended and reenacted to read as follows:

7 §85.1. Posting of criminal bond; fee assessed

8 A.(1) * * *

9 (2) The proceeds from cases in which the criminal prosecution has been
10 concluded shall be distributed on a quarterly basis as follows:

11 * * *

12 (d) Two dollars shall be remitted to the office of the clerk of court for the
13 parish, ~~except in the parish of Orleans where two dollars shall be remitted to the~~
14 ~~office of the clerk of the criminal district court~~, or to the office of the city or
15 municipal clerk of court in cases where the municipality is responsible for the
16 prosecution.

17 * * *"

18 AMENDMENT NO. 19

19 On page 7, delete lines 23 and 24 in their entirety and insert the following:

20 "Section 3. R.S. 18:2(3), 444(E), 602(C)(1) and (E)(2)(c), 1300.7(B), 1354(A)(1),
21 1511.2(E), and 1511.3(A)(1) are hereby amended and reenacted to read as follows:"

22 AMENDMENT NO. 20

23 On page 8, delete line 5 in its entirety

24 AMENDMENT NO. 21

25 On page 8, delete line 17 in its entirety

26 AMENDMENT NO. 22

27 On page 8, delete lines 27 and 28 in their entirety and insert the following:

28
29 "E.(1)(a) * * *
30 (2)(a) * * *"

31 AMENDMENT NO. 23

32 On page 10, between lines 25 and 26, insert the following:

33 "Section 4. The provisions of this Act shall not reduce the current term of office of
34 the clerk of criminal district court for the parish of Orleans on the effective date of this Act.
35 The office of clerk of criminal district court for the parish of Orleans shall be abolished at
36 the end of May 3, 2026, and before the term of any other criminal clerk of court begins.
37 Immediately thereafter, the authority, functions, duties, and responsibilities of the office of
38 clerk of criminal district court for the parish of Orleans, and all of the books, papers, records,
39 monies, actions, and other property of every kind and description, movable and immovable,
40 real and personal, possessed, controlled, or used by the office of the clerk of criminal district
41 court for the parish of Orleans shall be transferred and owned, possessed, controlled, and
42 used by the clerk of the civil district court for the parish of Orleans, who shall thereafter be
43 referred to as the clerk of court for the parish of Orleans.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Section 5. Whenever the clerk of the criminal district court for the parish of Orleans
2 is referred to or designated by law, rule, or regulation on and after the date that office is
3 abolished, such reference or designation shall be deemed to apply to the clerk of civil district
4 court for the parish of Orleans or hereafter "clerk of court for the parish of Orleans".

5 Section 6. R.S. 13:1031, 1033, 1371, 1371.1, and 1378 are hereby repealed in their
6 entirety."

7 AMENDMENT NO. 24

8 On page 10, line 26, change "3" to "7"