

Regular Session, 2005

HOUSE BILL NO. 258

BY REPRESENTATIVE BRUNEAU

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

COURTS/CRIMINAL: Provides for civil commitment jurisdiction of the Orleans Parish Criminal Court

1 AN ACT

2 To enact R.S. 13:1336(D) and 1338, relative to the jurisdiction of the Criminal District
3 Court for the Parish of Orleans; to provide for commitment jurisdiction of the court
4 when the criminal court determines a mentally defective defendant is incapable of
5 standing trial, is a danger to himself or others, and is unlikely in the foreseeable
6 future to be capable of standing trial; to provide for the transfer of all pending cases
7 filed in the Civil District Court for the Parish of Orleans; to provide for an order of
8 transfer; to provide for delivery of the records; to grant the criminal sheriff for the
9 Criminal District Court for the Parish of Orleans the authority to make service and
10 return of court processes; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 13:1336(D) and 1338 are hereby enacted to read as follows:

13 §1336. Criminal District Court for the Parish of Orleans; jurisdiction; powers;
14 probation officers

15 * * *

16 D.(1) Pursuant to the authority vested by Sections 16 and 32 of Article V of
17 the Constitution, the Criminal District Court for the Parish of Orleans is hereby
18 vested with additional jurisdiction of certain cases previously under the jurisdiction
19 of the Civil District Court for the Parish of Orleans as provided for in Paragraph (2)
20 of this Subsection.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Bruneau

HB No. 258

Abstract: Vests the Criminal District Court for the Parish of Orleans with exclusive jurisdiction over civil commitment proceedings when the court determines a mentally defective defendant, who is under the jurisdiction of the court on pending criminal charges but is incapable of standing trial, is a danger to himself or others, and is unlikely in the foreseeable future to be capable of standing trial. Provides for transfer of proceedings from the Civil District Court for the Parish of Orleans.

Proposed law vests additional jurisdiction of certain cases previously under the jurisdiction of the Civil District Court for the Parish of Orleans to the Criminal District Court for the Parish of Orleans.

Proposed law vests the Criminal District Court for the Parish of Orleans with exclusive jurisdiction over civil commitment proceedings when the court determines a mentally defective defendant, who is under the jurisdiction of the court on pending criminal charges but is incapable of standing trial, is a danger to himself or others, and is unlikely in the foreseeable future to be capable of standing trial.

Proposed law transfers these cases from the civil district court to the criminal district court upon the signing of the order to transfer by either a judge of the civil or criminal district court upon motion to transfer properly made by either a judge of the civil or criminal district court or upon motion by the district attorney of Orleans Parish or the attorney of the defendant.

Proposed law authorizes either the clerk of the civil district court or the clerk of the criminal district court to effect delivery of the record to the clerk of the criminal district court, who shall receipt the same and properly file the record in his office.

Proposed law requires the criminal district court to hear and dispose of the case with the same legal effect as if the case had been instituted in the criminal district court in the first place.

Proposed law vests the criminal sheriff for the parish of Orleans with the power and authority to serve all notices, subpoenas papers, writs, and orders and to make proper return to the criminal district court for all cases transferred pursuant to these provisions.

(Adds R.S. 13:1336(D) and 1338)