

New 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.

New 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.

New 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.

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

New 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.

Effective August 15, 2005.

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