

Regular Session, 2014

HOUSE BILL NO. 1206

BY REPRESENTATIVE LEGER

COURTS: Provides for the consolidation of the New Orleans Traffic and Municipal Courts

1 AN ACT

2 To amend and reenact R.S. 13:2491, 2492, 2493, 2493.1(A)(introductory paragraph), (B),  
3 (C), and (D), 2495, 2495.1(A), 2496.1, 2496.2(A), 2496.3(A), (B), (E), (F),  
4 (G)(introductory paragraph), (3) and (5), 2496.4, 2497, 2498(A), (B), and (C), 2499,  
5 2500(A) and (B), 2500.1, 2500.2, 2500.4, 2501, 2512, 2513, 2514, 2515, 2516, and  
6 2519(A) and to repeal R.S. 13:2501.1, 2505, 2506, 2507, 2507.1, and 2509, relative  
7 to the consolidation of the municipal and traffic courts of New Orleans; to require  
8 the consolidation of the municipal and traffic courts in New Orleans; to transfer the  
9 traffic court judges to the municipal court; to abolish judgeships upon expiration of  
10 terms; to provide relative to jurisdiction; to eliminate the clerk of court and judicial  
11 administrator for the traffic court; to transfer certain employees of the traffic court  
12 to the consolidated court; to create the consolidated judicial expense fund; to provide  
13 for the payment of salaries for clerks and deputy clerks; to provide relative to  
14 security detail; to authorize additional costs to defray expenses of the court; and to  
15 provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 13:2491, 2492, 2493, 2493.1(A)(introductory paragraph), (B), (C),  
18 and (D), 2495, 2495.1(A), 2496.1, 2496.2(A), 2496.3(A), (B), (E), (F), (G)(introductory  
19 paragraph), (3) and (5), 2496.4, 2497, 2498(A), (B), and (C), 2499, 2500(A) and (B), 2500.1,

1 2500.2, 2500.4, 2501, 2512, 2513, 2514, 2515, 2516, and 2519(A) are hereby amended and  
2 reenacted to read as follows:

3 CHAPTER 8. MUNICIPAL AND TRAFFIC COURT OF NEW ORLEANS

4 §2491. Municipal and traffic court of New Orleans

5 There is created a "Municipal and Traffic Court of New Orleans".

6 §2492. Four judges; qualifications; election; salary; vacation

7 A. The ~~court~~ Municipal and Traffic Court of New Orleans shall consist of  
8 four judges, all of whom must be attorneys-at-law, who shall be elected by the  
9 qualified electors of the parish of Orleans. They shall not be less than thirty years  
10 of age. Each shall have practiced law in the state for at least five years preceding his  
11 election; and shall be a duly qualified elector of the parish of Orleans.

12 (1) Each of the four judges, one of whom shall be the judge of the housing  
13 court division, for the purposes of nomination and election only, shall preside over  
14 separate and distinct divisions of the court.

15 (2) The divisions provided for in Paragraph (1) of this Subsection shall be  
16 designated alphabetically as Division "A", Division "B", Division "C", and Division  
17 "D". The judge senior in point of continuous service shall preside over Division "A",  
18 and the other judges of the court shall occupy the other designated divisions  
19 according to their respective periods of continuous service.

20 B. ~~The first judges of the court elected at the congressional election of 1948~~  
21 ~~shall serve as follows: one of the judges for a term expiring December 31st, 1952,~~  
22 ~~one for a term expiring December 31st, 1954, one for a term expiring December~~  
23 ~~31st, 1956, and one for a term expiring December 31st, 1958. Thereafter each~~ Each  
24 of the judges shall be elected for an eight year term at the regular congressional  
25 election held immediately preceding the expiration of such term. Every term shall  
26 expire on December 31st of the last year thereof. Any vacancy in the court for any  
27 cause where the unexpired term is less than one year shall be filled temporarily by  
28 appointment by the governor until the next succeeding congressional election, at  
29 which time such vacancy shall be filled for the remainder of the unexpired term by

1 election. All judges so elected shall take their office on the first day of January  
2 following their election.

3 C.(1) There is hereby created four additional judgeships for the Municipal  
4 and Traffic Court of New Orleans. The judges and their successors shall preside  
5 over Divisions "E", "F", "G", and "H", and shall be subject to the same qualifications  
6 as provided for in this Section.

7 (2) The judgeship comprising of Divisions "G" and "H" shall be abolished  
8 effective midnight, December 31, 2014.

9 ~~C.D.~~ Each of the judges shall receive a salary of not less than eighteen  
10 thousand dollars per annum, payable monthly by the city of New Orleans on his own  
11 warrant.

12 ~~D.E.~~ Each of the judges of the ~~municipal court~~ Municipal and Traffic of New  
13 Orleans shall have annual vacation of thirty days, the time to be fixed by the rules  
14 of the court.

15 ~~E.F.~~ Whenever any of the judges are temporarily absent because of court  
16 business, illness or while on vacation, a judge ad hoc may be appointed by the judges  
17 of the municipal and traffic court, acting en banc, to serve during the period of such  
18 temporary absence. The judge ad hoc shall have the qualifications for election to the  
19 office and his compensation shall be proportionately equal to that of the judge for  
20 whom he is appointed to serve, and shall be payable in the same manner and from  
21 the same source and/or sources as that of such judge.

22 ~~F.G.~~ The judge of the Municipal and Traffic Court of New Orleans having  
23 the most seniority shall become the senior and administrative judge during his tenure  
24 of office and shall not engage in the practice of law or share in the profits, directly  
25 or indirectly, of any law firm or legal corporation. The senior and administrative  
26 judge of the Municipal and Traffic Court of New Orleans shall possess the same  
27 qualifications that are required of district court judges and shall receive a salary of  
28 not less than eighteen thousand dollars per annum, but not more than the salary paid,  
29 from all sources, to the district court judges in and for the parish of Orleans. The

1 governing authority of Orleans Parish shall determine the salary paid to the senior  
2 and administrative judge, of which the amount payable by the state to city judges of  
3 the state shall be paid by the state and the remainder shall be payable by the city of  
4 New Orleans. The salary of the senior and administrative judge shall be payable  
5 monthly on his own warrant. Should the senior judge decline the position of senior  
6 and administrative judge then the next senior judge of the municipal and traffic court  
7 may assume the position.

8 §2493. Jurisdiction

9 A. The jurisdiction of the court shall extend to the trial of violations of the  
10 ordinances of the city of New Orleans, ~~except including the regulation of~~ traffic  
11 violations within the city of New Orleans.

12 B. The jurisdiction of the courts shall further extend to the trial of violations  
13 of state statutes which are not triable by a jury; which jurisdiction shall be concurrent  
14 with that of the Criminal District Court for the Parish of Orleans. ~~This jurisdiction~~  
15 ~~shall not extend to traffic violations.~~

16 C. The jurisdiction of the court shall further extend to the trial of offenses  
17 involving traffic and the regulation thereof punishable by state statute including  
18 violations of the Criminal Code of Louisiana involving traffic and the trial of  
19 violations relating to street and highway regulatory laws and such other state laws  
20 as relate to the operation of a vehicle. The jurisdiction over state traffic offenses  
21 shall be concurrent with the Criminal District Court for the Parish of Orleans. In  
22 addition, every prosecution in the Municipal and Traffic Court of New Orleans under  
23 state law shall be filed in the court by affidavit or bill of information under the  
24 provision of state law defining the offense and such prosecution shall be brought by  
25 the city attorney of New Orleans. The jurisdiction of the court shall further extend  
26 to appeals by any person aggrieved by an administrative hearing officer's decision  
27 concerning a traffic violation enforced by the city of New Orleans' automated traffic  
28 enforcement system. Any aggrieved person shall file such appeal within thirty days  
29 after the date of such decision. The court shall have de novo review over such

1 appeals. The court shall adopt rules regulating the manner of taking, hearing, and  
2 deciding such appeals.

3 D. When exercising ~~said~~ concurrent jurisdiction and in cases involving  
4 violation of an ordinance adopted pursuant to R.S. 14:143(B), all procedures shall  
5 comply with those parts of the Louisiana Constitution of 1974, the Louisiana  
6 Revised Statutes, and the Code of Criminal Procedure pertaining to the prosecution  
7 of criminal cases not requiring trial by jury.

8 ~~D.~~E. The jurisdiction of the Housing and Environmental Court Division shall  
9 extend to the trial of violations of the Building Code, the Comprehensive Zoning  
10 Ordinance and Chapters 28, 30, 48, and 54<sup>1</sup> of the City Code of the city of New  
11 Orleans as provided by law, in addition to the general jurisdiction of the Municipal  
12 and Traffic Court of New Orleans.

13 ~~E.~~F. The jurisdiction of the court shall extend to the granting of an  
14 injunction, preliminary injunction, or temporary restraining order pursuant to the  
15 provisions of Code of Civil Procedure Articles 3601 through 3613, when irreparable  
16 injury, loss, or damage may otherwise result to any person over whom the court has  
17 jurisdiction pursuant to this Section or as provided by law; however, the court shall  
18 not have the authority to grant injunctive relief with respect to any matter provided  
19 in Code of Civil Procedure Article 3604(B)(1) and (3) and (C).

20 ~~F.~~G. The court shall have no other jurisdiction.

21 §2493.1. Housing court division; jurisdiction; powers of judge; environmental  
22 docket

23 A. The council of the city of New Orleans is hereby authorized to create,  
24 subject to the approval of the majority of the judges of the Municipal and Traffic  
25 Court of New Orleans, the Housing and Environmental Court Division of the  
26 Municipal and Traffic Court of New Orleans, hereinafter referred to as the "housing  
27 court division". In the ordinance creating the housing court division, the ~~said~~ council  
28 shall designate the effective date of the creation of ~~said~~ the court. The housing court

1 division shall be assigned, and its jurisdiction shall be limited to, all violations of the  
2 provisions of the following:

3 \* \* \*

4 B. All cases involving violations of the provisions of the Building Code, The  
5 Comprehensive Zoning Ordinance, or Chapters 28, 30, 37, 48, and 54 of the City  
6 Code of the city of New Orleans, or the Fire Code presently pending before the  
7 Municipal and Traffic Court of New Orleans, shall be transferred to the housing  
8 court division for further proceedings in accordance with law.

9 C. Upon creation of the housing court division, one of the judges of the  
10 Municipal and Traffic Court of New Orleans now provided for by R.S. 13:2492 shall  
11 be assigned to serve as the judge of the housing court division of the Municipal and  
12 Traffic Court of New Orleans.

13 ~~(1) Each of the four judges provided for in R.S. 13:2492, one of whom shall~~  
14 ~~be the judge of the housing court division, for the purposes of nomination and~~  
15 ~~election only, shall preside over separate and distinct divisions of the court.~~

16 ~~(2) The divisions provided for in Subparagraph (1) above shall be designated~~  
17 ~~alphabetically as Division "A", Division "B", Division "C", and Division "D". The~~  
18 ~~judge senior in point of continuous service shall preside over Division "A", and the~~  
19 ~~other judges of the court shall occupy the other designated divisions according to~~  
20 ~~their respective periods of continuous service.~~

21 D.(1) The jurisdiction of the Municipal and Traffic Court of New Orleans,  
22 the Housing and Environmental Court Division of the Municipal and Traffic Court  
23 of New Orleans shall extend to the trial of violations of an ordinance of the city of  
24 New Orleans and the violations of state statutes which are not triable by a jury for  
25 criminal prosecutions provided in R.S. 14:107.3, and any other authority provided  
26 by law or home rule charter for the civil enforcement of health, safety, and welfare  
27 ordinances, including but not limited to the authority provided in R.S. 13:2575 for  
28 administrative adjudication for violations of public health, housing, fire code,  
29 environmental building code, zoning, historic district, permitting vegetation, and

1 nuisance ordinances, as provided for and defined in R.S. 33:1374. In Orleans Parish,  
2 the public authority may enforce health, safety, and welfare statutes or ordinances  
3 or otherwise seek to eliminate blighted property, unsafe structures and equipment,  
4 unlawful structures and structures unfit for human occupancy, housing violations, or  
5 public nuisances additionally in the Municipal and Traffic Court of New Orleans.

6 (2) A separate environmental docket of the Housing and Environmental  
7 Court Division of the Municipal and Traffic Court of New Orleans is established  
8 into which the public authority, as defined in R.S. 33:1374, or other party, may  
9 request allotment or transfer of cases brought pursuant to R.S. 33:1374.

10 \* \* \*

11 §2495. Clerk of court

12 A. There shall be one clerk of the Municipal and Traffic Court of New  
13 Orleans who shall be appointed by the judges thereof and shall be subject to removal  
14 by a majority of the judges of the court, at will. The court shall adopt such rules and  
15 regulations governing the functions, duties, operation, and procedure of the clerk's  
16 office as may be necessary.

17 ~~B. There shall be one clerk of the Traffic Court of New Orleans who shall~~  
18 ~~be appointed by the judges thereof and shall be subject to removal by a majority of~~  
19 ~~the judges of the court, at will. The court shall adopt such rules and regulations~~  
20 ~~governing the functions, duties, operation, and procedure of the clerk's office as may~~  
21 ~~be necessary.~~

22 ~~C.B.~~ C.B. The salaries of the clerk of municipal court and the clerk of traffic court  
23 salary of the clerk of the municipal and traffic court shall be determined and set by  
24 a three-fourths majority of the judges of the ~~two courts~~ court; the ~~salaries~~ salary shall  
25 be the same and shall be paid from the ~~respective~~ consolidated judicial expense ~~funds~~  
26 fund of the ~~courts~~ court. ~~However, if one of the funds has insufficient resources,~~  
27 ~~then both salaries may be paid from the remaining fund.~~

28 ~~D.C.~~ D.C. The ~~said clerks~~ clerk shall retain all of the benefits of ~~their~~ its office,  
29 including but not limited to hospitalization coverage, retirement benefits, insurance

1 benefits, and sick and annual leave benefits, and ~~they~~ it shall be paid through the  
2 payroll system utilized by the city of New Orleans for its other employees.

3 ~~E.D.~~ The ~~said clerk~~ clerk shall continue to be paid under the current method  
4 used by the city of New Orleans until otherwise notified by the judges of the  
5 municipal and traffic ~~courts~~ court.

6 §2495.1. Judicial administrator

7 A. There shall be one judicial administrator of the Municipal and Traffic  
8 Court of New Orleans, who shall be appointed by the judges thereof and shall be  
9 subject to removal by a majority of the judges of the court at will. The court shall  
10 adopt such rules and regulations governing the functions, duties, operations, and  
11 procedures of the judicial administrator's office as may be necessary. The salary and  
12 benefits shall be paid by the city of New Orleans on the warrant of the chief judge.  
13 If the city fails to pay the salary and benefits, they may be paid from the consolidated  
14 judicial expense fund of the court.

15 \* \* \*

16 §2496.1. Crier; appointment; salary

17 Each judge of the Municipal and Traffic Court of New Orleans shall appoint  
18 his own crier. If the council of the city of New Orleans shall fail to approve the  
19 salary, each crier's salary may be paid monthly from the consolidated judicial  
20 expense fund of the court, provided that such crier's salary does not exceed the  
21 amount paid to the crier on May 1, 1984. Any increase in such salary shall be  
22 subject to the prior approval of the council of the city of New Orleans.

23 §2496.2. Expenses of municipal and traffic court

24 A. Notwithstanding any other law to the contrary, a majority of the judges  
25 of the Municipal and Traffic Court of New Orleans may authorize a payment from  
26 the consolidated judicial expense fund of the court to defray any expense of the court  
27 including salary supplements for any personnel as in their discretion may be  
28 necessary to expedite the business and function of the court.

29 \* \* \*



1 §2496.3. First appearance hearing officer; appointment; salary; qualifications

2 A. There is hereby created the office of first appearance hearing officer of  
3 the Municipal and Traffic Court of New Orleans.

4 B. There shall be only one first appearance officer. The first appearance  
5 hearing officer shall be appointed by a majority of the duly elected judges of the  
6 Municipal and Traffic Court of New Orleans and shall be subject to removal at will  
7 by a majority of the judges of the court. The court shall adopt such rules as are  
8 necessary to define the functions, duties, and operational procedures of the office of  
9 the first appearance hearing officer.

10 \* \* \*

11 E. The judges of the Municipal and Traffic Court of New Orleans, sitting en  
12 banc, and the city of New Orleans shall provide necessary support services and  
13 personnel, including minute clerks and court reporters, for the office. The supporting  
14 services and personnel shall be paid for by the city of New Orleans.

15 F. Quarters necessary for the conduct of the office of the first appearance  
16 hearing officer shall be provided by the governing authority of the city of New  
17 Orleans or the Municipal and Traffic Court of New Orleans. The first appearance  
18 hearing officer may hold hearings at the facilities where city prisoners are  
19 incarcerated.

20 G. The first appearance hearing officer shall have all such powers and duties  
21 not inconsistent with the constitution and laws of this state, the constitution and laws  
22 of the United States, and the rules of the Municipal and Traffic Court of New  
23 Orleans, and the duties assigned to the hearing officer by the judges of that court,  
24 including the following powers and duties:

25 \* \* \*

26 (3) To sign orders including issuance of peace bonds for cases triable in the  
27 Municipal and Traffic Court of New Orleans.

28 \* \* \*

1 (5) To fine and punish for contempt of court in the same manner as a judge  
2 of the Municipal and Traffic Court of New Orleans as provided for in Code of  
3 Criminal Procedure Articles 20 through 25.

4 \* \* \*

5 §2496.4. Consolidated Judicial expense fund for the Municipal and Traffic Court of  
6 New Orleans

7 A. There is hereby established the consolidated judicial expense fund for the  
8 Municipal and Traffic Court of New Orleans, which shall be a special account for  
9 use in administration of the court. The judicial administrator shall deposit into the  
10 fund any monies specifically designated for such purpose. The judges of the court,  
11 en banc, shall have control over and administer the funds which are annually  
12 appropriated or otherwise authorized under the law and all disbursements made  
13 therefrom. The judges shall cause to be conducted an annual audit of the fund and  
14 the books and accounts relating thereto, and shall file the audit with the legislative  
15 auditor where it shall be available for public inspection.

16 B. The consolidated judicial expense fund may be used for any operating  
17 expense of the court, including salaries for court reporters, bailiffs, minute clerks,  
18 and other court personnel, in addition to any and all other funds, salaries, expenses,  
19 or other monies that are provided, authorized, or established by law. No salary shall  
20 be paid from the consolidated judicial expense fund to any judges of the court.

21 §2497. Deputy clerks; appointment; salaries; removal

22 A. The clerk of the ~~municipal court~~ Municipal and Traffic of New Orleans  
23 shall appoint such deputies, assistants and employees as the legislature may provide.  
24 There shall not be less than twenty deputy clerks and other employees of the court.

25 B. All salaries of the clerks and deputy clerks of the ~~municipal court~~  
26 Municipal and Traffic Court of New Orleans shall be paid by the city of New  
27 Orleans. In the event that the city shall refuse or fail to pay any such salaries, the  
28 judge, or judges, of the court shall withhold from the funds collected under the  
29 jurisdiction of the court sufficient money to pay any salaries not paid by the city,

1 and, in such event, the judge, or judges, of the court shall deposit the money withheld  
2 in a separate bank account against which a judge, or judges thereof, shall draw  
3 appropriate checks to pay such salaries.

4 §2498. Appeal; proceedings; record; hearing

5 A. There shall be a right of appeal in all cases from the ~~municipal court~~  
6 Municipal and Traffic Court of New Orleans to the criminal district court for the  
7 parish of Orleans. The appeals shall be on the law and the facts and shall be tried by  
8 the judge of the criminal district court to whom the appeal shall be allotted upon the  
9 records made and the evidence offered in the ~~municipal court~~ Municipal and Traffic  
10 Court of New Orleans. The criminal district court shall have general and supervisory  
11 jurisdiction over the ~~municipal court~~ Municipal and Traffic Court of New Orleans,  
12 and may issue such writs and orders as may be necessary in aid of its appellate and  
13 supervisory jurisdiction.

14 B. The court reporters of the court shall, in all cases, take down the  
15 testimony verbatim. The stenographic notes need not be written out unless an appeal  
16 is taken, in which case the testimony shall be written out and signed by the judge.  
17 In cases of appeal the clerk shall prepare the record for the appellate court. This will  
18 consist of the affidavit bond, testimony and every document, instrument, property  
19 or thing whatsoever in possession of the court, filed in the trial of the case, together  
20 with the ordinance or ordinances on which the prosecution is based. The clerk shall  
21 make, in duplicate, a list of each specific thing, whose correctness shall be certified  
22 to by the judges to one of the lists. This record, and all it contains, and the signed list  
23 shall then be filed with the clerk of the criminal district court who will receipt for  
24 same after signing the other list. When the appeal is taken it divests the ~~municipal~~  
25 ~~court~~ Municipal and Traffic Court of New Orleans from all further jurisdiction in the  
26 case.

27 C. In all appeals, the appeal shall be heard by one of the judges of the  
28 criminal district court. No appeal shall be taken except when taken on the day of  
29 sentence. All appeals taken from the judgment of the ~~municipal court~~ Municipal and



1 other than an indigent, fails to pay the added costs referred to hereinabove, he shall  
2 be sentenced to a term of thirty days in the House of Detention.

3 B. When any surety, cash, or other bond posted in the ~~municipal court~~  
4 Municipal and Traffic Court of the city of New Orleans guaranteeing the appearance  
5 of any defendant in any case in the ~~municipal court~~ Municipal and Traffic Court of  
6 New Orleans has been forfeited, ~~said the~~ the surety company or its local agent or its  
7 insurance company, or both, for which ~~said the~~ the agent is writing bail bonds, shall be  
8 assessed the added costs provided for in Subsection A of this Section. The forfeiture  
9 of any bond referred to hereinabove shall not be set aside until the above costs have  
10 been paid, in addition to the other legal requirements of law having been met for the  
11 setting aside of the forfeiture. Costs assessed against sureties and surety companies  
12 pursuant to this Section shall be collected and administered in the same manner as  
13 that set out in Subsection C of this Section.

14 C. Costs assessed against defendants pursuant to this Section shall be  
15 collected by the clerk of the ~~municipal court~~ Municipal and Traffic Court of New  
16 Orleans. All sums so collected shall be remitted to the municipal and traffic court  
17 judicial administrator who shall deposit such sums in a bank or banks in the city of  
18 New Orleans in which deposits are insured or guaranteed by the federal government  
19 or any agency thereof. The deposits shall be credited to a special fund to be  
20 designated as the Municipal and Traffic Court Probation Department Fund which  
21 shall be administered by the judges of the municipal and traffic court.

22 D. There is hereby created a probation department in the ~~municipal court~~  
23 Municipal and Traffic Court of the city of New Orleans which shall be funded from  
24 the Municipal and Traffic Court Probation Department Fund along with funds which  
25 may be realized from federal or state grants and any other sums which may be  
26 appropriated by the council of the city of New Orleans. The purpose of the ~~said the~~  
27 probation department is to provide staff to monitor the behavior of defendants and  
28 to develop a comprehensive probationary service program at the ~~municipal court~~

1        Municipal and Traffic Court of New Orleans, which shall include but not be limited  
2        to release on recognizance, restitution, diversionary, and active probation programs.

3        §2500.2. Additional court costs to defray expenses

4                A.(1) In all cases over which the Municipal and Traffic Court of New  
5        Orleans has jurisdiction, there shall be assessed as costs against every defendant who  
6        is convicted after trial or after he pleads guilty or who forfeits his bond a  
7        nonrefundable sum of thirty dollars, which shall be in addition to all other fines,  
8        costs, or forfeitures lawfully imposed.

9                (2) The sums collected under Paragraph (1) of this Subsection shall be  
10        remitted to the ~~municipal court~~ Municipal and Traffic Court of New Orleans judicial  
11        administrator, who shall deposit the sums to the credit of the ~~municipal court~~ court's  
12        consolidated judicial expense fund to be used by the court to defray its expenses.

13                B.(1) In all prosecutions in the Municipal and Traffic Court of New Orleans,  
14        including all traffic violations other than parking, there shall be taxed as costs against  
15        every defendant, who is convicted after trial or plea of guilty or nolo contendere or  
16        who forfeits his bond, the sum of five dollars, which shall be in addition to all other  
17        fines, costs, or forfeitures lawfully imposed and which shall be transmitted to the  
18        clerk of the Municipal and Traffic Court of New Orleans to be used by the court to  
19        defray its expenses.

20                (2) The Municipal and Traffic Court of New Orleans shall by court rule  
21        provide procedures for the timely collection and accounting of the fees imposed by  
22        this Section. All fees collected under this Section shall be remitted to the municipal  
23        and traffic court judicial administrator for deposit into a special fund designated as  
24        the municipal and traffic court consolidated judicial expense fund.

25                C. In all prosecutions in the Municipal and Traffic Court of New Orleans,  
26        including all traffic violations other than parking, there shall be taxed as additional  
27        costs against every defendant who is convicted after trial or plea of guilty or nolo  
28        contendere or who forfeits his bond, a sum not to exceed thirty dollars, which shall  
29        be in addition to all other fines, costs, or forfeitures lawfully imposed and which

1 shall be transmitted to the consolidated judicial expense fund of the Municipal and  
2 Traffic Court of New Orleans to be used by the court to defray its expenses.

3 §2500.4. Enumeration of fees; copies; retrieval fee

4 In addition to any other fees authorized by law, the clerk of the New Orleans  
5 Municipal and Traffic Court may demand and receive the following fees:

6 (1) Copies per page uncertified, one dollar.

7 (2) Copies per page certified, two dollars.

8 (3) Computer-generated chronologies uncertified copies, two dollars.

9 (4) Computer-generated chronologies certified copies, three dollars.

10 (5) File retrieval fee, twenty dollars.

11 §2501. Fines imposed remitted monthly to city treasurer

12 Each judge of the ~~municipal court~~ Municipal and Traffic Court of New  
13 Orleans shall see to it that all fines imposed by him are collected and remitted  
14 monthly to the city treasurer of New Orleans.

15 §2512. Initiation of proceedings by affidavit or by bill of information in the  
16 municipal and traffic courts court

17 Notwithstanding Code of Criminal Procedure Article 382, all proceedings in  
18 the ~~municipal and traffic courts~~ Municipal and Traffic Court of New Orleans shall  
19 be initiated by affidavit or bill of information. The affidavit shall consist of the  
20 sworn statement of the complainant, or the ~~police~~ law enforcement officer, filed with  
21 the court on a form approved by the respective court. The city council of the city of  
22 New Orleans may designate by ordinance certain police officials who shall have the  
23 power to take oaths, and verify affidavits filed by other members of the New Orleans  
24 police department, the Orleans Parish Sheriff's Office or the constable. The city  
25 attorney of the city of New Orleans or any of his assistants may also initiate  
26 prosecutions by affidavit or bill of information on information and belief in the  
27 ~~municipal and traffic courts~~ Municipal and Traffic Court of New Orleans.

1 §2513. Conduct of trials; rules of evidence in the municipal and traffic ~~courts~~ court

2 The trials of all cases in the ~~municipal and traffic courts~~ Municipal and  
3 Traffic Court of New Orleans, and the rules of evidence applicable thereto, shall be  
4 the same as govern the trials of misdemeanors under Title 15 of the Louisiana  
5 Revised Statutes of 1950 as they presently exist or as they may be hereafter  
6 amended.

7 §2514. Appeals; cost bond for transcripts from the municipal and traffic ~~courts~~ court

8 The city council of New Orleans may provide by ordinance that in all appeals  
9 from the ~~municipal and traffic courts~~ Municipal and Traffic Court of New Orleans,  
10 there shall be required the posting of a reasonable costs bond to defray the cost of  
11 preparing the transcript in connection with any such appeal. This shall not be  
12 construed to bar any appellant from taking an appeal in forma pauperis.

13 §2515. Application for supervisory writs; stay orders

14 All applications for supervisory writs of certiorari, prohibition or mandamus  
15 to the Criminal District Court for the Parish of Orleans from the ~~municipal and~~  
16 ~~traffic courts~~ Municipal and Traffic Court of New Orleans shall be filed with the  
17 clerk of the Criminal District Court for the Parish of Orleans, and shall be by him  
18 allotted to the criminal court of appeals panel then sitting to hear appeals within that  
19 court under its rules, in connection with cases not appealable to the Supreme Court  
20 of Louisiana. No stay order shall be binding on the lower court unless at least two  
21 of such judges shall order such stay. The application for writs shall follow the  
22 general form and shall contain all documents and exhibits now required by Rule 12  
23 of Rules of the Supreme Court of Louisiana, or as may be hereafter required under  
24 Rule 12.

25 §2516. Conviction in the municipal and traffic ~~courts~~ court not to be used in district  
26 court

27 No conviction in the ~~traffic court of New Orleans or in the municipal court~~  
28 Municipal and Traffic Court of New Orleans may be used in any trial in any district  
29 court of this state arising out of the same facts and circumstances in connection with





1 Section 6. The city of New Orleans shall continue to provide quarters for the conduct  
2 of the functions of the Municipal and Traffic Court of New Orleans and all offices  
3 transferred as provided in this Act.

4 Section 7. All books, papers, records, money, actions, and other property of every  
5 kind and description, movable and immovable, real and personal, possessed, controlled, or  
6 used by the traffic court shall be transferred with each office to the Municipal and Traffic  
7 Court of New Orleans.

8 Section 8.(A) The clerk of the Municipal and Traffic Court of New Orleans, having  
9 consulted with the clerk of the New Orleans Traffic Court transferred by this Act, shall  
10 develop a professional and efficient implementation plan for reorganization and  
11 consolidation of such offices within the office of the clerk of court in accordance with the  
12 provisions of this Act. This plan shall include detailed procedures for the consolidation and  
13 coordination of the powers, duties, functions, and responsibilities of each office and also  
14 shall include procedures for the transfer and utilization of positions, personnel, and  
15 equipment. At the request of the clerk of court of the Municipal and Traffic Court of New  
16 Orleans, the clerk of court of the traffic court shall compile the following information and  
17 any other information requested by the clerk to be used in preparing the implementation  
18 plan:

19 (1) A complete list of all personnel, including salaries and job descriptions.

20 (2) A complete inventory of all furniture, fixtures, and equipment of every kind.

21 (3) Financial data and information.

22 (B) The clerk of court of the Municipal and Traffic Court of New Orleans shall have  
23 the authority to retain the sufficient amount of employees or personnel of the traffic court  
24 to efficiently operate the functions of the office.

25 Section 9. The legislature hereby specifically states that this Act is in no way and  
26 to no extent intended to nor shall it be construed in any manner which will impair the  
27 contractual or other obligations of any office transferred by this Act.

28 Section 10. This Act shall not be construed or applied in any way which will prevent  
29 full compliance with the requirements of any Act of Congress of the United States or any

1 regulation made thereunder by which federal aid or other federal assistance has been or  
2 hereafter is made available.

3 Section 11. This Act shall become effective upon signature by the governor or, if not  
4 signed by the governor, upon expiration of the time for bills to become law without signature  
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
7 effective on the day following such approval.

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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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Leger

HB No. 1206

**Abstract:** Provides for the consolidation of the municipal and traffic courts of New Orleans.

Present law provides for the Municipal Court and Traffic Courts of New Orleans and the judgeships and clerks of court for each court and their respective salaries, terms of office, qualifications, powers and duties and employees and personnel. Present law further provides for jurisdiction of the courts and procedures relative to trials and appeals, judicial administrators, judicial expense funds and use of such funds, quarters for the court, additional costs, and enumeration of fees and fines.

Proposed law consolidates the Municipal Court of New Orleans and the Traffic Court of New Orleans and creates the Municipal and Traffic Court of New Orleans and provides for its jurisdiction.

Proposed law transfers the four judges from the traffic court to the consolidated court and creates four additional judgeships to be comprised of Divisions "E", "F", "G", and "H".

Proposed law provides for the two judgeships which currently preside over Divisions "C" and "D" of the traffic court, to occupy Divisions "G" and "H" of the consolidated court, and further requires that the two judgeships and divisions ("G" and "H") are abolished upon expiration of their terms of office, effective December 31, 2014, at midnight.

Proposed law provides for one clerk of court and judicial administrator for the consolidated court and authorizes the clerk of the consolidated court to determine the necessary employees from the traffic court that will be transferred for the efficient operation of the office.

Proposed law creates a consolidated judicial expense fund and requires all funds from the municipal and traffic court to be transferred and deposited into this separate account.

Proposed law provides for the transfer of all property of the traffic court to the consolidated court.

Proposed law authorizes the Orleans Parish Sheriff's Office and the Constable's Office for the city of New Orleans, to provide security detail for the consolidated court.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:2491, 2492, 2493, 2493.1(A)(intro. para.), (B), (C), and (D), 2495, 2495.1(A), 2496.1, 2496.2(A), 2496.3(A), (B), (E), (F), (G)(intro. para.), (3) and (5), 2496.4, 2497, 2498(A), (B), and (C), 2499, 2500(A) and (B), 2500.1, 2500.2, 2500.4, 2501, 2512, 2513, 2514, 2515, 2516, and 2519(A); Repeals R.S. 13:2501.1, 2505, 2506, 2507, 2507.1, and 2509)