

2015 Regular Session

SENATE BILL NO. 237

BY SENATOR MURRAY

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

COURTS. Provides relative to the jurisdictional limitation of certain city courts and to the constable of the first city court of New Orleans and his deputies. (gov sig)

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 4843 (C), (E), and (G) and R.S.

3 13:1311, 2154, and 2163, relative to courts of limited jurisdiction; to provide relative

4 to the civil jurisdiction concurrent with the district court in cases where the amount

5 in dispute, or the value of the property involved, does not exceed certain amounts;

6 to provide for the jurisdictional amount in dispute in certain city courts; to provide

7 for the jurisdictional amount in dispute in a city court in New Orleans and the City

8 Court of Ville Platte; to provide for the powers and duties of the constable of the

9 First City Court of New Orleans and the exemption from liability for the actions of

10 the constable and his deputies; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Code of Civil Procedure Article 4843 (C), (E), and (G) are hereby
13 amended and reenacted to read as follows:

14 Art. 4843. City court jurisdiction; amount in dispute; injunctive actions by state or
15 political subdivision

16 * * *

17 C. In the City Court of Bossier City, ~~the City Court of Ville Platte~~, and any

1 city court in which the population of the territorial jurisdiction is less than fifty
2 thousand, except as otherwise specifically provided by law, the civil jurisdiction is
3 concurrent with the district court in cases where the amount in dispute, or the value
4 of the property involved, does not exceed fifteen thousand dollars.

5 * * *

6 E. In the City Court of Bogalusa, the City Court of Bunkie, the City Court of
7 Eunice, the City Court of Lake Charles, the City Court of Marksville, the City Court
8 of Natchitoches, ~~a city court in New Orleans~~, the City Court of Opelousas, the City
9 Court of Port Allen, the City Court of Sulphur, **the City Court of Ville Platte**, and
10 the City Court of Winnsboro, the civil jurisdiction is concurrent with the district
11 court in cases where the amount in dispute, or the value of the property involved,
12 does not exceed twenty-five thousand dollars.

13 * * *

14 G. In the City Court of Abbeville, the City Court of Baker, the City Court of
15 Baton Rouge, the City Court of Kaplan, the City Court of Leesville, the City Court
16 of Minden, **a city court in New Orleans**, the City Court of Plaquemine, the City
17 Court of Shreveport, the City Court of Springhill, and the City Court of Zachary, the
18 civil jurisdiction is concurrent with the district court in cases where the amount in
19 dispute, or the value of the property involved, does not exceed thirty-five thousand
20 dollars.

21 * * *

22 Section 2. R.S. 13:1311, 2154, and 2163 are hereby amended and reenacted to read
23 as follows:

24 §1311. Sheriff, constables, and deputies; powers of peace officers; exemption from
25 liability

26 **A.** The sheriff for the parish of Orleans and the constables of the ~~First and~~
27 Second City Courts of New Orleans and ~~their~~ **his** deputies, are hereby granted the
28 powers of peace officers when carrying out the duties of the court, and are authorized
29 to require incarceration of the subject involved in any of the city, parish or state

1 prisons, precinct stations, or houses of detention in the parish of Orleans. They shall
 2 be exempt from liability for their actions in the exercise of this power in the same
 3 manner and fashion as liability is excluded generally for peace officers of this state
 4 and political subdivisions.

5 **B. The constable of the First City Court of New Orleans and his deputies**
 6 **are hereby granted the powers of peace officers when acting under the**
 7 **discretion and control of the constable and when carrying out the duties of the**
 8 **court, and are authorized to require incarceration of the subject involved in any**
 9 **of the city, parish or state prisons, precinct stations, or houses of detention in**
 10 **the parish of Orleans. They shall be exempt from liability for their actions in**
 11 **the exercise of this power in the same manner and fashion as liability is**
 12 **excluded generally for peace officers of this state and political subdivisions.**

13 * * *

14 §2154. Powers of clerks and constables; **constable of First City Court of New**
 15 **Orleans**

16 **A.** In civil matters, the clerks and constables of the city courts of New
 17 Orleans have the same powers and duties as provided by the applicable provisions
 18 of law for clerks and marshals of city courts generally.

19 **B.(1) Notwithstanding any provision of law to the contrary, the constable**
 20 **of the First City Court of New Orleans and his deputies, under the discretion**
 21 **and control of the constable, shall have the same power to make arrests, in and**
 22 **upon the property within the jurisdiction of the constable's office and shall have**
 23 **all the powers of sheriffs as a peace officer in all places and on all premises**
 24 **under the jurisdiction and control of the constable, as well as to execute the**
 25 **mandates of the court.**

26 **(2) Any person arrested by a deputy of the constable shall be forthwith**
 27 **surrendered or delivered to the sheriff of the parish of Orleans. However, this**
 28 **shall in no way deprive the New Orleans city police or the sheriff of the parish**
 29 **of Orleans of a deputy thereof from making arrests.**

1 **(3) The constable shall make rules and regulations for the conduct,**
 2 **management, and control of his deputies and shall from time to time enlarge,**
 3 **modify, or change such rules and regulations in his discretion.**

4 * * *

5 §2163. Sheriff, constables, and deputies; powers of peace officers; exemption from
 6 liability

7 A. The ~~civil~~ sheriff for the parish of Orleans and the constables of the ~~First~~
 8 ~~and~~ Second City Courts of New Orleans and ~~their~~ **his** deputies, are hereby granted
 9 the powers of peace officers when carrying out the duties of the court, and are
 10 authorized to require incarceration of the subject involved in any of the city, parish
 11 or state prisons, precinct stations, or houses of detention in the parish of Orleans.
 12 They shall be exempt from liability for their actions in the exercise of this power in
 13 the same manner and fashion as liability is excluded generally for peace officers of
 14 this state and political subdivisions.

15 **B. The constable of the First City Court of New Orleans and his deputies**
 16 **are hereby granted the powers of peace officers when acting under the**
 17 **discretion and control of the constable and when carrying out the duties of the**
 18 **court, and are authorized to require incarceration of the subject involved in any**
 19 **of the city, parish or state prisons, precinct stations, or houses of detention in**
 20 **the parish of Orleans. They shall be exempt from liability for their actions in**
 21 **the exercise of this power in the same manner and fashion as liability is**
 22 **excluded generally for peace officers of this state and political subdivisions.**

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

The original instrument was prepared by Angela Lockett De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

DIGEST

SB 237 Engrossed

2015 Regular Session

Murray

Present law relative to courts of limited jurisdiction provides that in the City Court of Bossier City, the City Court of Ville Platte, and any city court in which the population of the territorial jurisdiction is less than fifty thousand, except as otherwise specifically provided by law, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed \$15,000.

Present law further provides that in the City Court of Bogalusa, the City Court of Bunkie, the City Court of Eunice, the City Court of Lake Charles, the City Court of Marksville, the City Court of Natchitoches, a city court in New Orleans, the City Court of Opelousas, the City Court of Port Allen, the City Court of Sulphur, and the City Court of Winnsboro, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed \$25,000.

Present law also provides that in the City Court of Abbeville, the City Court of Baker, the City Court of Baton Rouge, the City Court of Kaplan, the City Court of Leesville, the City Court of Minden, the City Court of Plaquemine, the City Court of Shreveport, the City Court of Springhill, and the City Court of Zachary, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed \$35,000.

Proposed law provides that the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved for the City Court of Ville Platte does not exceed \$25,000.

Proposed law further provides that the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved for a city court in New Orleans does not exceed \$35,000.

Present law provides that the sheriff or the parish of Orleans and the constables of the First and Second City Courts of New Orleans and their deputies are granted the powers of peace officers, including requirement of incarceration of subjects and exemption from liability for official actions.

Proposed law provides that the sheriff for the parish of Orleans and the constable of the Second City Court of New Orleans and his deputies, are hereby granted the powers of peace officers when carrying out the duties of the court, including requirement of incarceration of subjects and exemption from liability for official actions.

Proposed law further provides that the constable of the First City Court of New Orleans and his deputies are hereby granted the powers of peace officers when acting under the discretion and control of the constable and when carrying out the duties of the court, and are authorized to require incarceration of the subject involved in any of the city, parish or state prisons, precinct stations, or houses of detention in the parish of Orleans. They shall be exempt from liability for their actions in the exercise of this power in the same manner and fashion as liability is excluded generally for peace officers of this state and political subdivisions.

Present law provides that in civil matters, the clerks and constables of the city courts of New Orleans have the same powers and duties as provided by the applicable provisions of law for clerks and marshals of city courts generally.

Proposed law retains present law and adds that the constable of the First City Court of New Orleans and his deputies, under the discretion and control of the constable, shall have the same power to make arrests, in and upon the property within the jurisdiction of the constable's office and shall have all the powers of sheriffs as a peace officer in all places and on all premises under the jurisdiction and control of the constable, as well as to execute the mandates of the court. Further provides that any person arrested by a deputy of the constable shall be forthwith surrendered or delivered to the sheriff of the parish of Orleans. However, this shall in no way deprive the New Orleans city police or the sheriff of the parish of Orleans of a deputy thereof from making arrests. Also provides that the constable shall make rules and regulation for the conduct, management, and control of his deputies and shall from time to time enlarge, modify, or change such rules and regulations in his discretion.

Present law provides that the civil sheriff for the parish of Orleans and the constables of the First and Second City Courts of New Orleans and their deputies are granted the powers of peace officers when carrying out the duties of the court, including requiring incarceration of subjects and exemption from liability as provided for peace officers.

Proposed law provides that the sheriff for the parish of Orleans and the constable of the Second City Court of New Orleans and his deputies are hereby granted the powers of peace officers when carrying out the duties of the court, including requiring incarceration of subjects and exemption from liability as provided for peace officers.

Proposed law further provides that the constable of the First City Court of New Orleans and his deputies are granted the powers of peace officers when acting under the discretion and control of the constable and when carrying out the duties of the court, and are authorized to require incarceration of the subject involved in any of the city, parish or state prisons, precinct stations, or houses of detention in the parish of Orleans. They shall be exempt from liability for their actions in the exercise of this power in the same manner and fashion as liability is excluded generally for peace officers of this state and political subdivisions.

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

(Amends C.C.P. Art. 4843(C), (E), and (G) and R.S. 13:1311, 2154, and 2163)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Added changing City Court of Ville Platte jurisdiction from \$15K to \$25K.
2. Modified changing jurisdiction of a city court in New Orleans from \$25K to \$35K instead of \$50K.
3. Added provisions relative to constables.