

SENATE BILL NO. 237

BY SENATOR MURRAY

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

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AN ACT

To amend and reenact Code of Civil Procedure Article 4843 (C) and (E) and R.S. 13:996.67(A), (B)(1) and (2), (C)(3) and (6) and (D), 1311, 2154, and 2163, relative to courts and judicial procedure; to provide relative to courts of limited jurisdiction; to provide relative to the civil jurisdiction concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed certain amounts; to provide for the jurisdictional amount in dispute in certain city courts; to provide for the jurisdictional amount in dispute in the City Court of Ville Platte; to provide relative to the Civil District Court for the parish of Orleans; to provide relative to the judicial building fund and certain powers, duties, terms, and requirements; to provide for the powers and duties of the constables of the First and Second City Courts of New Orleans and the exemption from liability for the actions of the constables and their deputies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

* * *

C. 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 fifteen thousand dollars.

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E. 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, **the City Court of Ville Platte**, 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 twenty-five thousand dollars.

* * *

Section 2. R.S. 13:996.67(A), (B)(1) and (2), (C)(3) and (6) and (D), 1311, 2154, and 2163 are hereby amended and reenacted to read as follows:

§996.67. Judicial building fund

A. Subject to the approval of the Judicial Council of the Louisiana Supreme Court, the Civil District Court for the parish of Orleans and the clerk of court of the Civil District Court for the parish of Orleans are hereby authorized to impose the following additional costs of court and service charges provided for in Subsection B of this Section in all cases over which the court has jurisdiction, until the bonded indebtedness **or lease obligation** provided for in Subsection C of this Section is paid. The costs and charges provided in Subsection B of this Section shall not apply to cases involving juvenile and family matters. The costs and charges may be any amount up to and including the maximum amount set forth and shall be imposed on order of the judges en banc. Such costs and charges shall be paid to the clerk of court when the filing is made.

~~B.(1) Until such time that public bids are let for the construction project~~
Unless and until the condition in the following paragraph for an increase in the charges is satisfied, the amounts of the costs and charges which may be imposed shall be as provided in this Paragraph.

| Service Provided | Amount of Cost Authorized |
|-------------------|--|
| (a) Recordings | Up to thirty dollars per recordation |
| (b) Civil Filings | Up to twenty-five dollars per civil filing |

- 1 (c) Jury Trials Up to one hundred dollars per jury requested
- 2 (d) Class Actions Up to one thousand twenty-five dollars per class
- 3 certified

4 (2) After public bids are let for the construction project or, alternatively, if
 5 the commission leases a privately constructed facility for use as a courthouse,
 6 then after execution of that lease agreement the amounts of costs and charges
 7 which may be imposed shall be as provided in this Paragraph.

| 8 Service Provided | Amount of Cost Authorized |
|--------------------------|--|
| 9 (a) Recordings | Up to thirty dollars per recordation |
| 10 (b) Civil Filings | Up to two hundred dollars per civil filing |
| 11 (c) Jury Trials | Up to two hundred dollars per jury requested |
| 12 (d) Class Actions | Up to two thousand fifty dollars per class certified |
| 13 (e) All matters filed | Up to ten dollars per item filed into civil |
| 14 | suit record |

15 * * *

16 C.(1)

17 * * *

18 (3) ~~Notwithstanding~~ If the new courthouse is located on property owned
 19 by the city of New Orleans and notwithstanding any other law to the contrary,
 20 issues regarding ownership and liability for maintenance and operation expenses of
 21 the new courthouse shall be provided for between the commission and Orleans
 22 Parish in a lease or sublease of the courthouse to the commission or by a cooperative
 23 endeavor agreement prior to the awarding of the contract for construction of the new
 24 courthouse.

25 * * *

26 (6) Notwithstanding any other provision of law to the contrary, the
 27 commission may pledge and dedicate the receipts of the courthouse construction
 28 fund for the payment of rent under a lease agreement or for the payment of any
 29 obligation, loan agreement, or other financing agreement in connection with the
 30 issuance of bonds or other evidence of indebtedness for the commission by the

1 Louisiana Public Facilities Authority or the Louisiana Local Government
 2 Environmental Facilities and Community Development Authority.

3 D. ~~If public bids are not let for the construction of a facility as provided in~~
 4 ~~this Section by August 15, 2015, If by August 15, 2016, neither public bids have~~
 5 ~~been let for construction nor a lease agreement executed for a privately~~
 6 ~~constructed facility for use as a courthouse,~~ then the authority provided in this
 7 Section to levy the additional costs and charges shall terminate and be null and void.
 8 Thereafter, no costs or charges authorized in this Section shall be imposed or
 9 collected. If the authority to levy such costs and charges terminates as set forth
 10 herein, all funds collected and deposited in the separate account as provided in this
 11 Section shall be used solely for capital improvements to the facility then housing the
 12 Civil District Court for the parish of Orleans.

13 * * *

14 §1311. Sheriff, constables, and deputies; powers of peace officers; exemption from
 15 liability

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

24 B. The constables of the First and Second City Courts of New Orleans
 25 and their deputies are hereby granted the powers of peace officers when acting
 26 under the direction and control of the constables and when carrying out the
 27 duties of the court, and are authorized to require incarceration of the subject
 28 involved in any of the city, parish or state prisons, precinct stations, or houses
 29 of detention in the parish of Orleans. They shall be exempt from liability for
 30 their actions in the exercise of this power in the same manner and fashion as

1 liability is excluded generally for peace officers of this state and political
 2 subdivisions.

3 * * *

4 §2154. Powers of clerks and constables; constables of First and Second City
 5 Courts of New Orleans

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

9 B.(1) Notwithstanding any provision of law to the contrary, the
 10 constables of the First and Second City Courts of New Orleans and their
 11 deputies, under the direction and control of the constables, shall have the same
 12 power to make arrests in and upon the property within the jurisdiction of the
 13 constables' offices and shall have all the powers of sheriffs as a peace officer in
 14 all places and on all premises under the jurisdiction and control of the
 15 constables, including execution of the mandates of the court.

16 (2) Any person arrested by a deputy of the constables shall be forthwith
 17 surrendered or delivered to the sheriff of the parish of Orleans. However, this
 18 shall in no way prevent the New Orleans city police or the sheriff of the parish
 19 of Orleans or a deputy thereof from making arrests.

20 (3) The constables shall make rules and regulations for the conduct,
 21 management, and control of their deputies and shall from time to time enlarge,
 22 modify, or change such rules and regulations in their discretion.

23 * * *

24 §2163. Sheriff, constables, and deputies; powers of peace officers; exemption from
 25 liability

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

1 They shall be exempt from liability for their actions in the exercise of this power in
2 the same manner and fashion as liability is excluded generally for peace officers of
3 this state and political subdivisions.

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____