

2016 Regular Session

HOUSE BILL NO. 1018

BY REPRESENTATIVE GREGORY MILLER

CRIMINAL/ARRESTS: Provides relative to the authority of a justice of the peace

1 AN ACT

2 To enact Code of Criminal Procedure Article 202(B)(3), relative to justices of the peace; to
3 provide relative to the issuance of arrest warrants by justices of the peace; to prohibit
4 a justice of the peace from issuing a warrant of arrest of a person for the commission
5 of a felony offense under certain circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 202(B)(3) is hereby enacted to read
8 as follows:

9 Art. 202. Warrant of arrest; issuance

10 * * *

11 B.

12 * * *

13 (3) A justice of the peace shall not have the authority to issue a warrant for
14 the arrest of any person for the commission of a felony, unless the affiant certifies
15 to the justice of the peace that no city, parish, or district court judge is available to
16 issue the warrant.

17 * * *

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)]

HB 1018 Original

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Gregory Miller

Abstract: Prohibits a justice of the peace from issuing a warrant for the arrest of a person for the commission of a felony unless the affiant certifies to the justice of the peace that no city, parish, or district court judge is available to issue the warrant.

Present law authorizes a justice of the peace to issue certain warrants for arrest if he has received a certificate of completion from the Attorney General's Arrest Warrants Course for Justices of the Peace.

Present law prohibits justices of the peace from issuing warrants for the arrest of certain persons in the following situations:

- (1) A peace officer for acts performed while in the course and scope of his official duties.
- (2) An administrator of any public or private elementary, secondary, high school, vocational-technical school, college, university, or licensed child day care center in this state or a teacher in any public or private elementary, secondary, high school, vocational-technical school, college, or university in this state who is acting in the course and scope of his official duties, unless an independent investigation into the allegations has been conducted and the investigator's findings support the allegations contained in the affidavit required by present law.

Proposed law retains present law and prohibits a justice of the peace from issuing a warrant for the arrest of a person for the commission of a felony unless the affiant certifies to the justice of the peace that no city, parish, or district court judge is available to issue the warrant.

(Adds C.Cr.P. Art. 202(B)(3))