

**SENATE SUMMARY OF HOUSE AMENDMENTS****SB 237****2015 Regular Session****Murray****KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

COURTS. Provides for the jurisdictional limitation of certain city courts and the authority of constables of the First and Second City Court of New Orleans and their deputies and provides for judicial building fund for the Civil District Court for the parish of Orleans. (gov sig)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Adds provisions regarding judicial building fund for the Civil District Court for the parish of Orleans and the clerk of court of the Civil District Court for the parish of Orleans for the construction of a courthouse or the lease of a privately constructed facility for use as a courthouse.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE****DIGEST**

SB 237 Reengrossed

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 retains these provisions except as to the City Court of Ville Platte and provides that the City Court of Ville Platte has civil jurisdiction 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 provides that the sheriff of 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 constables of the First and Second City Court of New Orleans and their deputies be granted the powers of peace officers when acting under the discretion and control of the constables 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. Provides that they 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 constables of the First and Second City Court of New Orleans and their 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 constables' offices 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 requires that any person arrested by a deputy of the constable be forthwith surrendered or delivered to the sheriff of the parish of Orleans and that this shall not prevent the New Orleans city police or the sheriff of the parish of Orleans or a deputy from making arrests. Requires that the constable make rules and regulation for the conduct, management, and control of their deputies and may from time to time enlarge, modify, or change such rules and regulations.

Present law provides that subject to the approval of the Judicial Council of the La. 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 may impose the following additional costs of court and service charges provided below in all cases over which the court has jurisdiction, until the bonded indebtedness provided for in present law is paid. Provides that the costs and charges provided below shall not apply to cases involving juvenile and family matters. Provides that 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 and that such costs and charges shall be paid to the clerk of court when the filing is made. Proposed law makes such charges applicable until the bonded indebtedness or lease obligations have been paid; otherwise retains present law.

Present law provides that until such time that public bids are let for the construction project, the amounts of the costs and charges which may be imposed are as follows:

Service Provided	Amount of Cost Authorized
(a) Recordings	Up to \$30 per recordation
(b) Civil Filings	Up to \$25 per civil filing
(c) Jury Trials	Up to \$100 per jury requested
(d) Class Actions	Up to \$1,025 per class certified

Proposed law provides that such costs and charges may be imposed until the bids are let, or, alternatively, if the Civil District Court for the parish of Orleans Judicial District Court Building Commission (commission) leases a privately constructed facility for use as a courthouse, until the execution of the lease agreement.

Present law provides that after public bids are let for the construction project the amounts of costs and charges which may be imposed shall be as follows:

Service Provided	Amount of Cost Authorized
(a) Recordings	Up to \$30 per recordation
(b) Civil Filings	Up to \$200 per civil filing
(c) Jury Trials	Up to \$200 per jury requested
(d) Class Actions	Up to \$2050 per class certified
(e) All matters filed	Up to \$10 per item filed into civil suit record

Proposed law provides that such costs and charges shall be imposed after the construction project is let or, alternatively if the commission leases a privately constructed facility for use as a courthouse, then after the execution of the lease agreement; otherwise retains present law.

Present law provides that notwithstanding any other law to the contrary, issues regarding ownership and liability for maintenance and operation expenses of the new courthouse shall be provided for between the commission and Orleans Parish in a lease or sublease of the

courthouse to the commission or by a cooperative endeavor agreement prior to the awarding of the contract for construction of the new courthouse. Proposed law makes provisions applicable only if the new courthouse is located on property owned by the city of New Orleans, otherwise retains present law.

Present law provides that notwithstanding any other provision of law to the contrary, the commission may pledge and dedicate the receipts of the courthouse construction fund for the payment of any obligation, loan agreement, or other financing agreement in connection with the issuance of bonds or other evidence of indebtedness for the commission by the La. Public Facilities Authority or the La. Local Government Environmental Facilities and Community Development Authority. Proposed law also makes provisions applicable for the payment of rent under a lease agreement or for the payment of other present law obligations; otherwise retains present law.

Present law provides that if public bids are not let for the construction of a facility as provided in present law by August 15, 2015, then the authority to levy the additional costs and charges shall terminate and be null and void. Proposed law provides that if by August 15, 2016, neither public bids have been let for construction nor a lease agreement executed for a privately constructed facility for use as a courthouse, then the authority to levy the additional costs and charges shall terminate and be null and void.

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

(Amends C.C.P. Art. 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)

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