

2019 Regular Session

SENATE BILL NO. 202

BY SENATOR WALSWORTH

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

COURTS. Creates a new judicial district out of the Third Judicial District. (gov sig)  
(2/3-CA5s15(D))

AN ACT

To amend and reenact the introductory paragraph of R.S. 13:477 and 477(3), 621.3, R.S. 16:51(A)(3), 111, 112, 113, 114, 115, and 116, and to enact R.S. 13:477(43), 623, 623.1, 700.5, and 996.65.1 and R.S. 16:51(A)(43), 930, 931, 932, 933, 934, and 935, relative to courts; to provide relative to judicial districts; to provide for the creation of a new judicial district out of the Third Judicial District; to create the Forty-Third Judicial District Court; to provide that Lincoln Parish shall comprise the Third Judicial District; to provide that Union Parish shall comprise the Forty-Third Judicial District; to provide for the transfer of cases; to provide for a judicial expense fund for the Forty-Third Judicial District; to provide for assistant district attorneys for the Third and the Forty-Third Judicial Districts; to provide for salaries; to provide for a law clerk; to provide for a referendum election in the parishes of Lincoln and Union on approving the split of the Third Judicial District and the creation of the Forty-Third Judicial District; to provide for the office of a judge of the Forty-Third Judicial District, including term of office, election, and jurisdiction; to provide for the election of a district attorney for the Forty-Third Judicial District; to provide for the clerk of court for the Forty-Third Judicial District; to provide for the sheriff of the

1 Forty-Third Judicial District; and to provide for related matters.

2 Be it enacted by the Legislature of Louisiana:

3 Section 1. The introductory paragraph of R.S. 13:477 and 477(3) and 621.3 are  
4 hereby amended and reenacted, and R.S. 13:477(43), 623, 623.1, 700.5, and 996.65.1 are  
5 hereby enacted, to read as follows:

6 §477. Judicial districts

7 There shall be ~~forty-one~~ **forty-three** judicial districts in the state and each  
8 district shall be composed as follows:

9 \* \* \*

10 (3) The ~~parishes of Lincoln and Union~~ **parish of Lincoln** shall compose the  
11 Third District.

12 \* \* \*

13 **(43) The parish of Union shall compose the Forty-Third District.**

14 \* \* \*

15 §621.3. Third Judicial District

16 The Third Judicial District Court shall have ~~three~~ **two** judges.

17 \* \* \*

18 **§623. Forty-Third Judicial District**

19 **The Forty-Third Judicial District Court shall have one judge.**

20 **§623.1. Transfer of cases to Forty-Third Judicial District**

21 **A. On January 1, 2021, all pending cases filed in the Third Judicial**  
22 **District Court arising out of Union Parish are hereby transferred to the Forty-**  
23 **Third Judicial District Court for further proceedings in accordance with law.**  
24 **A judge of the Third Judicial District Court or a judge of the Forty-Third**  
25 **Judicial District Court on his own motion, or upon motion by the district**  
26 **attorney of the Third Judicial District Court or by the district attorney of the**  
27 **Forty-Third Judicial District Court or by the attorney of the defendant in**  
28 **criminal cases or by any attorney representing clients in cases before the Third**  
29 **Judicial District Court, may have such cases transferred from the Third**

1        Judicial District Court upon the signing of the order to transfer by a judge of  
 2        either district to the Forty-Third Judicial District Court. Upon the signing of  
 3        such an order, the clerk of the Third Judicial District Court or the clerk of the  
 4        Forty-Third Judicial District Court shall effect delivery of the record to the  
 5        clerk of the Forty-Third Judicial District Court, who shall receipt the same and  
 6        properly file it in his office. The Forty-Third Judicial District Court shall hear  
 7        and dispose of all cases lawfully and properly before the court with the same  
 8        legal effect as if they had been instituted in that court in the first instance.

9                B. With respect to cases and jurisdiction transferred according to this  
 10        Section, the sheriff for the parish of Union is vested with the power and  
 11        authority to serve all notices, subpoenas, papers, writs, and orders and to make  
 12        proper return thereto to the Forty-Third Judicial District Court.

13                                \*        \*        \*

14        §700.5. Forty-Third Judicial District; law clerk

15                The judge for the Forty-Third Judicial District may employ a law clerk,  
 16        provided funds are available, to perform such research duties as a judge may  
 17        assign. The salary of the law clerk shall be fixed and paid on the warrant of the  
 18        employing judge, the cost thereof to be paid from the criminal court fund.

19                                \*        \*        \*

20        §996.65.1. Judicial Expense Fund for Forty-Third Judicial District

21                A. In addition to all other fees or costs now or hereafter provided by law,  
 22        the clerk of court of the Forty-Third Judicial District shall collect from every  
 23        person filing any type of civil suit or proceeding, and who is not otherwise  
 24        exempted by law from the payment of court costs, a sum to be determined by  
 25        the judge of the district, which sum shall not exceed fifteen dollars, subject to  
 26        the provisions of Code of Civil Procedure Article 5181 et seq. In all criminal  
 27        cases over which the Forty-Third Judicial District Court has jurisdiction, there  
 28        shall be taxed as costs against every defendant who is convicted after trial or  
 29        after plea of guilty, or who forfeits his bond, a sum likewise determined but

1 which shall not exceed ten dollars, which shall be in addition to all other fines,  
2 costs, or forfeitures lawfully imposed and which shall be transmitted to the  
3 clerk for further disposition in accordance herewith.

4 B. The clerk of court shall place all sums collected or received under this  
5 Section in a separate account to be designated as the Judicial Expense Fund for  
6 the Forty-Third Judicial District Court. The judge of the Forty-Third Judicial  
7 District shall have control over the fund and all disbursements made therefrom.  
8 He shall cause to be conducted annually an audit of the fund and the books and  
9 accounts relating thereto in accordance with R.S. 24:513 et seq. and shall file the  
10 same with the office of the legislative auditor where it shall be available for  
11 public inspection.

12 C. The judge of the Forty-Third Judicial District Court, in addition to  
13 salaries otherwise provided, authorized, or established by law, may fix and pay  
14 each of his court reporters a salary from the judicial expense fund. The judge  
15 may appoint such secretarial, clerical, research, administrative, or other  
16 personnel as deemed necessary to expedite the business and functions of the  
17 court and fix and pay all or any part of the salaries of such personnel out of the  
18 monies in the judicial expense fund. In like manner, the judge may expend the  
19 monies in the judicial expense fund to pay all or any part of the cost of  
20 establishing and maintaining a law library for the court or for buying and  
21 maintaining any type of equipment, supplies, or other items consistent with or  
22 germane to the efficient operation of the court. In general, the judicial expense  
23 fund is established and may be used for any purpose or purposes connected  
24 with, incidental to, or related to the proper administration or function of the  
25 court or the offices of the individual judge, and is in addition to any and all  
26 other funds, salaries, expenses, or other monies that are now or hereafter  
27 provided, authorized, or established by law for any such purpose.

28 D. No salary shall be paid from the judicial expense fund for the Forty-  
29 Third Judicial District to any judge of the Forty-Third Judicial District, except

1 as may be paid for administering the fund and then only after legislative  
2 approval.

3 Section 2. R.S. 16:51(A)(3), 111, 112, 113, 114, 115, and 116 are hereby amended  
4 and reenacted, and R.S. 16:51(A)(43), 930, 931, 932, 933, 934, and 935 are hereby enacted,  
5 to read as follows:

6 §51. Assistant district attorneys

7 A. The district attorney of each judicial district and of the parish of Orleans  
8 shall appoint a first assistant district attorney and such other assistant district  
9 attorneys for his respective judicial district or for the parish of Orleans as may be  
10 necessary, the total number of assistant district attorneys in each judicial district and  
11 in the parish of Orleans to be not less than as hereinafter set forth:

12 \* \* \*

13 (3) In the Third Judicial District, ~~nine~~ six assistant district attorneys;

14 \* \* \*

15 (43) In the Forty-Third Judicial District, three assistant district  
16 attorneys.

17 \* \* \*

18 §111. Assistant district attorney

19 The office of assistant district attorney is hereby created in and for the Third  
20 Judicial District of the State of Louisiana composed of the ~~parishes of Lincoln and~~  
21 ~~Union~~ parish of Lincoln.

22 §112. Additional salary of assistant district attorney

23 The said assistant district attorney shall receive as compensation for his  
24 services as such officer in addition to the annual salary paid by the state of Louisiana,  
25 such additional salary as the police jury of Lincoln Parish may ~~provide, and such~~  
26 ~~additional salary as the police jury of Union Parish may provide.~~ provide. If either police  
27 provide. If the police jury chooses to pay an additional salary, each salary shall be  
28 payable on the warrant of the assistant district attorney.

29 §113. Budget to include additional salary



1           **§930. Assistant district attorney**

2                   **The office of assistant district attorney is hereby created in and for the**  
3           **Forty-Third Judicial District of the State of Louisiana composed of the parish**  
4           **of Union.**

5           **§931. Additional salary of assistant district attorney**

6                   **The said assistant district attorney shall receive as compensation for his**  
7           **services as such officer in addition to the annual salary paid by the state of**  
8           **Louisiana, such additional salary as the police jury of Union Parish may**  
9           **provide. If the police jury chooses to pay an additional salary, each salary shall**  
10           **be payable on the warrant of the assistant district attorney.**

11           **§932. Budget to include additional salary**

12                   **The police jury shall annually, at the time it prepares its general budget**  
13           **of expenses, budget an amount to pay the salary herein fixed.**

14           **§933. Additional salary of district attorney**

15                   **The district attorney for the Forty-Third Judicial District of this state**  
16           **shall receive as compensation for his services, in addition to the annual salary**  
17           **paid him by the state of Louisiana, such additional salary as the police jury of**  
18           **Union Parish may provide. If the police jury chooses to pay an additional**  
19           **salary, each salary shall be payable on the warrant of the district attorney.**

20           **§934. Budget to include additional salary**

21                   **The police jury shall annually, and at the same time as it prepares its**  
22           **general budgets of expenses, budget an amount sufficient to pay the salary of**  
23           **the district attorney as herein fixed.**

24           **§935. Second assistant district attorney**

25                   **A. The office of second assistant district attorney of the Forty-Third**  
26           **Judicial District of Louisiana is hereby created.**

27                   **B. The second assistant district attorney shall receive as compensation**  
28           **for his services as such officer, in addition to the annual salary paid by the state**  
29           **of Louisiana, such additional salary as the police jury of Union Parish may**

1           **provide. If the police jury chooses to pay an additional salary, each salary shall**  
2           **be payable on the warrant of the second assistant district attorney.**

3           Section 3.(A) The governor, within fifteen days after the effective date of this Act,  
4 shall call a special election to submit to a vote of the voters of the existing Third Judicial  
5 District, being the parishes of Union and Lincoln, for their approval or disapproval as  
6 provided in Article V, Section 15(B) of the Louisiana Constitution to consider the  
7 proposition of whether to ratify Act No. \_\_\_\_\_ of the 2019 Regular Session of the  
8 Legislature of Louisiana creating a Forty-Third Judicial District Court which shall be  
9 composed of Union Parish and providing that the Third Judicial District Court shall be  
10 composed of Lincoln Parish.

11           (B) The proposition on the ballot shall be stated as follows:

12 "FOR the proposition that the Third Judicial District be divided, effective January 1, 2021,  
13 by the establishment of the Forty-Third Judicial District composed of Union Parish, and  
14 continuing the Third Judicial District composed of Lincoln Parish as provided by Act No.  
15 \_\_\_\_\_ of the 2019 Regular Session of the Legislature of Louisiana.

16 AGAINST the proposition that the Third Judicial District be divided, effective January 1,  
17 2021, by the establishment of the Forty-Third Judicial District composed of Union Parish,  
18 and continuing the Third Judicial District composed of Lincoln Parish as provided by Act  
19 No. \_\_\_\_\_ of the 2019 Regular Session of the Legislature of Louisiana."

20           (C) The special election provided for in this Section shall be conducted in accordance  
21 with law.

22           (D) If a majority of those voting thereon in each parish vote in favor of the division  
23 of the Third Judicial District Court, then on January 1, 2021, the Third Judicial District Court  
24 shall be comprised of Lincoln Parish and the creation of the Forty-Third Judicial District  
25 Court is accomplished with the Forty-Third Judicial District Court being comprised of Union  
26 Parish.

27           Section 4.(A) Effective January 1, 2021, if ratified by the voters as specified in  
28 Section 3 of this Act, there is hereby created one district judgeship for the Forty-Third  
29 Judicial District for the parish of Union. The judge and his successors shall be elected from



1 the district as a whole and shall have jurisdiction throughout the district, and shall receive  
2 the same compensation and expense allowances, payable from the same sources and in the  
3 same manner, as are now or may hereafter be provided for other judges of the state.

4 (B) The individuals to be elected to the judgeships created by this Act for the Forty-  
5 Third Judicial District shall be elected as provided by Article V, Section 22 of the  
6 Constitution of Louisiana, and each shall serve a term which shall begin on January 1, 2021,  
7 and which terms shall expire at the same time as is provided by law for the other judges of  
8 the court. Thereafter, each of the successors to the judge provided for in this Act for the  
9 Forty-Third Judicial District shall be elected at the same time and in the same manner and  
10 shall serve the same terms as now or may be provided hereafter for other district judges of  
11 the state.

12 Section 5. If approved by a majority of the voters voting in the referendum in both  
13 Lincoln Parish and Union Parish, the provisions of Section 1 of this Act which creates a  
14 Forty-Third Judicial District Court composed of Union Parish and provides that the Third  
15 Judicial District Court shall be comprised of Lincoln Parish shall become effective on  
16 January 1, 2021.

17 Section 6.(A) There is hereby created the office of district attorney for the Forty-  
18 Third Judicial District Court for the parish of Union. The district attorney herein provided  
19 for and his successors shall be elected from the district as a whole and shall have jurisdiction  
20 throughout the district, and shall receive the same compensation and expense allowances,  
21 payable from the same sources and in the same manner, as are now or may hereafter be  
22 provided for other district attorneys in the state.

23 (B) The individual to be elected to the office of district attorney for the Forty-Third  
24 Judicial District as created by this Act shall be elected as provided by Article V, Section 26  
25 of the Constitution of Louisiana, and shall serve a term which shall begin on January 1,  
26 2021, and which term shall expire at the same time as is provided by law for the other  
27 district attorneys of the state. Thereafter, the successor to the district attorney provided for  
28 in this Act for the Forty-Third Judicial District shall be elected at the same time and in the  
29 same manner and shall serve the same term as now or may be provided hereafter for the

1 district attorneys of the state.

2 Section 7. As of January 1, 2021, the clerk of court for the parish of Union shall  
3 perform the powers, duties, and functions of office for the Forty-Third Judicial District Court  
4 that were performed for the Third Judicial District Court. All employees, offices, salaries,  
5 powers, duties, and functions of the clerk of court's office of Union Parish are continued.

6 Section 8. As of January 1, 2021, the sheriff for the parish of Union shall perform the  
7 powers, duties, and functions of office for the Forty-Third Judicial District Court that were  
8 performed for the Third Judicial District Court. All employees, offices, salaries, powers,  
9 duties, and functions of the sheriff of Union Parish are continued.

10 Section 9. The provisions of Section 2 shall take effect on January 1, 2021, if the  
11 proposition submitted to the electors is approved by the electors.

12 Section 10. Except as otherwise provided by this Act, this Act shall become effective  
13 upon signature by the governor or, if not signed by the governor, upon expiration of the time  
14 for bills to become law without signature by the governor, as provided by Article III, Section  
15 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved  
16 by the legislature, this Act shall become effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Jerry G. Jones.

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	DIGEST	
SB 202 Original	2019 Regular Session	Walsworth

Present law relative to courts provides that the Third Judicial District is composed of Lincoln and Union Parishes.

Proposed law provides that the Third Judicial District shall be composed of the parish of Lincoln, and creates a Forty-Third Judicial District to be composed of the parish of Union.

Present law provides that the Third Judicial District is composed of 3 judges. Proposed law provides that the Third Judicial District shall be composed of two judges, and the new Forty-Third Judicial District shall have one judge.

Proposed law provides for transfer of cases arising out of Union Parish from the Third Judicial District to the Forty-Third Judicial District.

Proposed law creates a judicial expense fund and provides for a law clerk for the Forty-Third Judicial District.

Present law provides there are nine assistant district attorneys in the Third Judicial District. Proposed law provides there shall be six assistant district attorneys in the Third Judicial District and three assistant district attorneys in the Forty-Third Judicial District. Proposed

law provides relative to salaries of district attorney and assistant district attorney.

Proposed law provides for the governor to call a special election in both parishes on the proposition that the Third Judicial District be split and become two judicial districts with a favorable vote of a majority of those voting thereon in each parish required for the Third Judicial District to be split and the Forty-Third Judicial District Court to be created.

Proposed law provides for a judge for the Forty-Third Judicial District and provides for their jurisdiction, compensation, elections, and term of office beginning on January 1, 2021. Proposed law provides for the office of the district attorney for the 43rd JDC and provides for his jurisdiction, compensation, elections, and term of office beginning on January 1, 2021.

Proposed law provides that the clerk of court and sheriff for Union Parish shall retain their powers, duties, and functions of office for the Forty-Third Judicial District.

Proposed law provides for a special effective date of January 1, 2021, for the creation of the Forty-Third Judicial District and the offices of judge and district attorney for the Forty-Third Judicial District if in the special election a majority of the voters of both Lincoln and Union parishes approve the referendum, and provides that the other provisions of proposed law take effect upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 13:477(intro para) and (3) and 621.3, R.S. 16:51(A)(3) and 111-116; adds R.S. 13:477(43), 623, 623.1, 700.5, and 996.65.1 and R.S. 16:51(A)(43) and 930-935)