

Regular Session, 2009

HOUSE BILL NO. 712

BY REPRESENTATIVE GARY SMITH

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

JUDGES/JUSTICE OF PEACE: Requires completion of arrest warrants course in order for justices of the peace to issue arrest warrants

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 202(B) and to enact Code of
3 Criminal Procedure Article 202(E) and R.S. 49:251.2, relative to warrant of arrest;
4 to provide that a justice of the peace shall not have the authority to issue a warrant
5 for arrest unless he has received a certificate of completion for the required training
6 course which has included education on the proper issuance of arrest warrants; to
7 provide for the Attorney General's Arrest Warrants Course for Justices of the Peace;
8 to require the attorney general's training course for justices of the peace to include
9 specified subject matter areas; to provide for implementation; and to provide for
10 related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Code of Criminal Procedure Article 202(B) is hereby amended and
13 reenacted and Code of Criminal Procedure Article 202(E) is hereby enacted to read as
14 follows:

15 Art. 202. Warrant of arrest; issuance

16 * * *

17 B.(1) A justice of the peace shall not have the authority to issue a warrant for
18 the arrest of a peace officer for acts performed while in the course and scope of his
19 official duties.

20 (2) A justice of the peace shall not issue a warrant for the arrest of an
21 administrator of any public or private elementary, secondary, high school,

1 vocational-technical school, college, university, or licensed child day care center in
2 this state or a teacher in any public or private elementary, secondary, high school,
3 vocational-technical school, college, or university in this state who is acting in the
4 course and scope of his official duties, unless an independent investigation into the
5 allegations has been conducted and the investigator's findings support the allegations
6 contained in the affidavit required in Subparagraph (A)(1) of this Article.

7 * * *

8 E. Notwithstanding any other provision of law to the contrary, after
9 December 31, 2010, a justice of the peace shall not have the authority to issue a
10 warrant for arrest unless he has received a certificate of completion from the
11 Attorney General's Arrest Warrants Course for Justices of the Peace pursuant to R.S.
12 49:251.2.

13 Section 2. R.S. 49:251.2 is hereby enacted to read as follows:

14 §251.2. Additional justice of the peace training course; Attorney General's Arrest
15 Warrants Course for Justices of the Peace

16 A. The attorney general of the state of Louisiana, within one year from the
17 date any justice of the peace takes office and once a year thereafter, shall conduct
18 courses of training and education on arrest warrants for persons elected to full terms
19 to the offices of justice of the peace. Such courses of training shall be known as the
20 Attorney General's Arrest Warrants Course for Justices of the Peace, which may be
21 conducted in various sections of the state at places designated by the attorney
22 general.

23 B. By December 31, 2010, all justices of the peace shall have attended a
24 special criminal arrest warrants course at any of the annual training conferences
25 presented by the office of the attorney general and receive a certificate of completion
26 before they are authorized to sign arrest warrants.

27 C. The attorney general shall continue to work with other organizations to
28 provide quality training and will issue this training in conjunction with the Justices
29 of the Peace Court Association.

1 D. Justices of the peace shall be notified of the courses by mail and the
2 information about the courses shall be posted on the website of the attorney general.
3 Notification of the courses shall also be sent to parish governments for
4 dissemination.

5 E. The Attorney General's Arrest Warrants Course for Justices of the Peace
6 shall be sponsored by the office of the attorney general, and there shall be a
7 minimum registration fee for each of the justices of the peace attending the class.
8 This cost shall cover expenses on materials, meeting rentals, and travel.

9 F. The courses shall be taught by assistant attorney generals and other
10 qualified professionals experienced in the preparation and issuance of arrest
11 warrants. Training materials on the subject matter shall be disseminated to the
12 attendees.

13 G. The office of the attorney general shall purchase the latest editions of the
14 Louisiana Law Enforcement Handbook from the Louisiana District Attorneys
15 Association and be utilized for the training sessions. A copy of the Louisiana Law
16 Enforcement Handbook shall be given to each justice of the peace attending the
17 training course.

18 H. Each justice of the peace that attends and completes the course shall
19 receive a certificate of completion signed by the attorney general.

20 I. The office of the attorney general shall keep a record of each justice of the
21 peace who completes the Attorney General's Arrest Warrants Course for Justices of
22 the Peace. A copy of the certificate of completion shall be sent to each of their
23 respective parish governments.

24 J. The Attorney General's Arrest Warrants Course for Justices of the Peace
25 shall be provided every year along with the Justice of the Peace Training Course.
26 Each justice of the peace shall have to attend this course every year and receive a
27 certificate of completion to have the authority to sign and issue criminal arrest
28 warrants after December 31, 2010, as otherwise authorized by law.

- 1 K. Each justice of the peace, justice of the peace pro tempore, justice of the
 2 peace ad hoc special appointments, and each newly elected justice of the peace shall
 3 have to attend the Attorney General's Arrest Warrants Course for Justices of the
 4 Peace and receive a certificate of completion to have the authority to sign and issue
 5 criminal arrest warrants after December 31, 2010, as otherwise authorized by law.
- 6 L. The provisions of this Section shall be an additional training requirement
 7 for justices of the peace and shall not affect the training requirements as provided for
 8 in R.S. 40:251.1.
- 9 M. The attorney general shall begin implementation of the Attorney
 10 General's Arrest Warrants Course for Justices of the Peace by January 31, 2010.

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)]

Gary Smith

HB No. 712

Abstract: Removes authority for a justice of the peace to issue a warrant for arrest unless he completes the Attorney General's Arrest Warrants Course for Justices of the Peace.

Present law provides for the issuance of warrants of arrest.

Present law provides that a justice of the peace shall not have the authority to issue a warrant of arrest for a peace officer for acts performed in his official capacity.

Proposed law retains present law.

Present law further provides that a justice of the peace shall not issue a warrant for the arrest of an administrator or teacher of any public or private elementary, secondary, high school, vocational-technical school, college, university, or licensed child day care center in this state unless an independent investigation supports the allegations contained in the affidavit requesting the arrest.

Proposed law retains present law.

Proposed law provides that after Dec. 31, 2010, a justice of the peace shall not have the authority to issue a warrant for arrest unless he has completed the Attorney General's Arrest Warrants Course for Justices of the Peace.

Proposed law creates the Attorney General's Arrest Warrants Course for Justices of the Peace, and provides that by Dec. 31, 2010, all justices of the peace must have attended the course. The attorney general shall begin implementation of the course by Jan. 31, 2010.

Proposed law provides for notification requirements, registration fees for the course, course materials, course instructors, and certification upon completion.

Proposed law provides that a copy of the certificate of completion shall be sent to the parish of each respective justice of the peace, and that a record of each justice of the peace who completes the course shall be kept by the attorney general.

(Amends C.Cr.P. Art. 202(B); Adds C.Cr.P. Art. 202(E) and R.S. 49:251.2)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Provides that a justice of the peace shall not have the authority to issue a warrant of arrest unless he completes the training course offered by the attorney general.
2. Creates the Attorney General's Arrest Warrants Course for Justices of the Peace, and provides that by Dec. 31, 2010, all justices of the peace shall have attended the courses.
3. Provides for notification requirements, registration fees for the course, subject matter, course materials, course instructors, and certification upon completion.
4. Provides that a copy of the certificate of completion shall be sent to the parish of each respective justice of the peace, and that a record of each justice of the peace who completes the course shall be kept by the attorney general.