
HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Substitute for Original House Bill No. 461 by Representative Jordan as proposed by the House Committee on Judiciary

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 33:441 through 457, relative to municipal courts; to provide relative to mayors' courts; to provide for magistrates' courts; to provide for the transition from mayor's courts to magistrates' courts; to provide for the qualifications and appointment of magistrates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:441 through 457 are hereby amended and reenacted to read as follows:

§441. ~~Mayor's~~ Magistrate's court

A.(1) Except as provided in Chapter 7 of Title 13 of the Louisiana Revised Statutes of 1950, there ~~shall~~ may be a ~~mayor's~~ magistrate's court in the municipality, with jurisdiction over all violations of municipal ordinances. The ~~mayor~~ magistrate may try all breaches of the ordinances and impose fines or imprisonment, or both, provided for the infraction thereof. Notwithstanding any other provision of law to the contrary, the ~~mayor~~ magistrate may also impose court costs not to exceed thirty dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance. The ~~mayor~~ magistrate may authorize that a portion of court costs assessed be deposited into a special account and transmitted to the Louisiana Association of Chiefs of Police to be used for law enforcement education and training as required by Louisiana law.

(2) Notwithstanding any other provision of law to the contrary, the ~~mayor~~ magistrate may impose additional court costs not to exceed twenty dollars for each offense, as defined by ordinance or traffic violation, on any defendant convicted of a violation of a municipal ordinance, provided that ten dollars of such additional court costs collected shall be remitted to the local public defender's office.

(3) The ~~mayor~~ magistrate may suspend the execution in whole or in part of a fine or imprisonment, or both, imposed for violation of a municipal ordinance and place the defendant on unsupervised or supervised probation with such conditions as the ~~mayor~~ magistrate may fix and, at any time during the probation, modify, add, or discharge. The probation shall be for a period as the ~~mayor~~ magistrate shall specify up to one year. The ~~mayor~~ magistrate may terminate or revoke the probation at any time. At the termination of the probation, the ~~mayor~~ magistrate may set the conviction aside and dismiss the prosecution.

(4) Notwithstanding any other provision of law to the contrary, when a defendant has been convicted of violation of a municipal ordinance, the ~~mayor~~ magistrate may suspend the imposition or the execution of the whole or any part of the sentence and place the defendant on unsupervised probation upon such conditions as the mayor may fix. Such suspension of sentence and probation shall be for a period of six months or such shorter period as the ~~mayor~~ magistrate may specify. But in no case shall the probationary period imposed exceed the maximum penalty of imprisonment that may be imposed for violation of a particular ordinance.

(5)(a) Notwithstanding any other provision of law to the contrary, a ~~mayor's~~ magistrate's court shall have concurrent jurisdiction with the district court of civil suits to collect utility debts within the municipality, where the good faith amount in dispute does not exceed five thousand dollars, exclusive of penalties, interest, court costs, attorney fees and penalties, whether provided by agreement or by law. The jurisdiction granted by this Paragraph shall be limited to suits to collect utility debts owed to the municipality or to a utility system owned or operated by the municipality.

(b) If the demand asserted in a good faith original, amended or supplemental pleading, cross claim, or in any good faith incidental demand or any other pleading, exceeds the jurisdiction of the court, the court shall transfer the action to a court of proper jurisdiction.

(c) Upon request of the ~~mayor~~ magistrate, the board of alderman ~~shall~~ may appoint one or more additional attorneys who shall be designated as a court

magistrate to hear all civil utility debt suits authorized by this Paragraph. The board of alderman shall fix and pay the salary of each such magistrate.

(d) Upon adoption of ordinance by the municipality, and upon a finding by the court magistrate that a civil utility debt is owed and delinquent, the court magistrate is authorized to impose court costs against the debtor, not to exceed the sum of thirty-five dollars for each civil suit. Costs received pursuant to this Paragraph shall be deposited into the general fund of the municipality.

(e) Any person against whom a judgment is rendered in a ~~mayor's~~ magistrate's court pursuant to this Paragraph shall have the right of direct appeal to the district court for the parish in which the ~~mayor's~~ magistrate's court is situated which shall be tried de novo. The party against whom a judgment is rendered shall be given written notice of his right to appeal within the time specified in this Paragraph. The delay for appeal shall not run until the day after notice has been provided to the party. The appeal must be filed within ten days of the date of the judgment and notice of the appeal must be given within the ten-day period to the magistrate who adjudicated the matter, the district court to which the matter is being appealed, and the municipality in whose favor judgment was rendered. The appeal from a decision of the district court shall be the same as provided by law for appeals of civil matters adjudicated by a district court. The district court may assess costs as authorized by law to the party against whom judgment is rendered. There shall be no prepayment of court costs on behalf of the appellant. The judge shall inform the defendant of the right to appeal at no prepayment of costs after a determination that the appellant is indigent. The judge shall inform the appellant of his right to appeal as provided for in this Subparagraph.

(f) The law enforcement authority of the municipality in which the ~~mayor's~~ magistrate's court is located is authorized to effectuate service of process within the parish of the court for any civil suit before the court pursuant to this Paragraph.

(g) The provisions of this Paragraph shall not apply in Jefferson Parish.

B.(1) Notwithstanding any other provision of law to the contrary, the board of aldermen in its discretion may, ~~upon request of the mayor,~~ appoint one or more

attorneys who shall be designated as court magistrate, ~~and~~ who shall serve at the pleasure of the ~~mayor~~ the board of aldermen, and ~~may from time to time be designated by the mayor to serve in his stead as the presiding official over the mayor's court.~~ ~~Whenever a magistrate is so designated by the mayor to~~ who shall preside over the ~~mayor's~~ magistrate's court, ~~he shall exercise the powers and authority of the mayor over said court.~~ The board of aldermen shall fix and pay the salary of each magistrate, if any are appointed.

(2) Notwithstanding any other provision of law to the contrary, the board of aldermen in its discretion may, ~~upon request of the mayor,~~ appoint one or more attorneys who shall be designated as prosecutor and who shall serve at the pleasure of the ~~mayor~~ the board of aldermen. The board of aldermen shall fix and pay the salary of each prosecutor, if any are appointed.

~~C.(1) The mayor shall have the power of a committing magistrate.~~

~~(2) The~~ magistrate, as presiding officer of a ~~mayor's~~ magistrate's court, shall be entitled to judicial immunity for his official acts as presiding officer in the same capacity as a judge in this state.

D.(1) Notwithstanding any other law to the contrary, any person appointed to be a magistrate pursuant to this Subpart shall be an attorney licensed to practice law in this state and shall be in good standing with the Louisiana State Bar Association.

(2) No person appointed to be a magistrate pursuant to this Subpart shall be an elected official for the city, town, or village where he is appointed as a magistrate.

§441.1. City of Kenner; appointment of court magistrates; duties; prosecuting attorney; information; animal hearing officer

A. The city council of the city of Kenner shall, ~~upon request of the mayor,~~ may appoint one or more attorneys who shall be designated as court magistrates and who shall serve at the pleasure of the ~~mayor~~ and ~~may from time to time be designated by the mayor to serve in his stead~~ council as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever a magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the~~

~~mayor over said court.~~ Each appointed magistrate shall serve at a salary fixed and paid by the city council.

B.(1) Notwithstanding any other provision of law to the contrary, "an information" as used in this Subsection is a written accusation of crime made by the prosecuting attorney in the ~~mayor's~~ magistrate's court in the city of Kenner. It must be filed in open court in the ~~mayor's~~ magistrate's court having jurisdiction to try the offense or in the office of the clerk thereof.

(2) Notwithstanding any other provision of law to the contrary, a prosecution for violation of an ordinance in the ~~mayor's~~ magistrate's court in the city of Kenner may be instituted by an affidavit or an information charging any offense.

(3) The clerk of court for the city of Kenner may use an electronic signature, stamp, or other such facsimile of the signature of the prosecuting attorney to affix the prosecuting attorney's signature to bills of information in the ~~mayor's~~ magistrate's court for the city of Kenner.

C.(1) The office of animal hearing officer of the ~~mayor's~~ magistrate's court of the city of Kenner is hereby created. The city council of the city of Kenner ~~shall, upon request of the mayor,~~ may appoint an animal hearing officer for the court as provided in this Subsection.

(2) The animal hearing officer shall be selected by the city council to serve at the pleasure, discretion, and direction of the council for a period of twelve months. He may be reappointed.

(3) The animal hearing officer shall possess the same qualifications for office as a magistrate for the ~~mayor's~~ magistrate's court of the city of Kenner.

(4) The magistrate of the ~~mayor's~~ magistrate's court may also be appointed as the animal hearing officer, and such appointment shall not constitute dual officeholding.

(5) The salary of the animal hearing officer shall be set by the city council. If the magistrate of the ~~mayor's~~ magistrate's court is appointed animal hearing officer, there shall be no additional compensation beyond the compensation provided for the magistrate.

(6) An animal hearing officer may engage in the practice of law and in any other business, occupation, or employment not inconsistent with the expeditious, proper, and impartial performance of his duties as animal hearing officer. Any questions regarding the propriety of other business, occupation, or employment by an animal hearing officer shall be determined by the appointing city council.

(7) The animal hearing officer shall have criminal jurisdiction over violations of municipal ordinances relating to crimes involving nuisance and vicious or dangerous animals committed within the territorial boundaries of the city of Kenner. Additionally, the animal hearing officer shall have the authority to declare any animal vicious, dangerous, or to determine the disposition of the animal, including humane euthanasia, if warranted.

§441.2. Village of Jean Lafitte; appointment of court magistrate; duties; salary

The board of aldermen of the village of Jean Lafitte ~~shall, upon request of the mayor,~~ may appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed by and to be paid by the board of aldermen.

§441.3. Town of Delcambre; appointment of court magistrate; duties; salary

The board of aldermen of the town of Delcambre, ~~shall upon request of the mayor,~~ may appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed by and to be paid by the board of aldermen.

§441.4. Town of Jonesville; appointment of ~~mayor pro tempore~~ court magistrate; duties; compensation

The ~~mayor~~ the board of aldermen of the town of Jonesville may from time to time appoint ~~the mayor pro tempore of such town to serve in his stead~~ an attorney who shall be designated as court magistrate and who serve at the pleasure of the board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court, and ~~in any such case the mayor pro tempore shall so serve. Whenever the mayor pro tempore is appointed to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The ~~mayor pro tempore~~ magistrate for such service may receive such compensation as may be fixed by ordinance adopted by the board of aldermen.

§441.5. Village of Maurice; appointment of court magistrate; duties; salary

The board of aldermen of the village of Maurice, ~~shall upon request of the mayor,~~ may appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed by and to be paid by the board of aldermen.

§441.6. Town of Walker; appointment of court magistrate; duties; salary

The board of aldermen of the town of Walker ~~shall, upon request of the mayor,~~ may appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed and paid by the board of aldermen.

§441.7. Town of Mansura; appointment of court magistrate; duties; salary

The board of aldermen of the town of Mansura, ~~shall upon request of the mayor, may~~ appoint an attorney who shall be designated as a court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed by and to be paid by the board of aldermen.

§441.8. Town of Cottonport; appointment of court magistrate; duties; salary

The board of aldermen of the town of Cottonport, ~~shall upon request of the mayor, may~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed by and to be paid by the board of aldermen.

§441.9. Town of Erath; appointment of court magistrate; duties; salary

The board of aldermen of the town of Erath ~~shall upon request of the mayor, may~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall receive a salary fixed and paid by the board of aldermen.

§441.10. Town of Lockport; appointment of court magistrate; duties; salary

The board of aldermen of the town of Lockport ~~shall, upon request of the mayor, may~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~

~~the mayor or serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall receive a salary fixed and paid by the board of aldermen.

§441.11. Town of Iowa; appointment of court magistrate; duties; salary

The board of aldermen of the town of Iowa may ~~upon request of the mayor,~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor~~ ~~to serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall receive a salary fixed and paid by the board of aldermen.

§441.12. Town of Welsh; appointment of court magistrate; duties; salary

The board of aldermen of the town of Welsh may ~~upon request of the mayor,~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor~~ ~~to serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed and paid by the board of aldermen.

§441.13. Town of Westlake; appointment of court magistrate; duties; salary;
additional jurisdiction of ~~mayor's~~ magistrate's court

A. The board of aldermen of the town of Westlake ~~shall, upon request of the mayor,~~ may appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor~~ ~~to serve in his stead~~ board of aldermen as the presiding official over the

mayor's magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over the court.~~ The magistrate shall serve at the salary fixed and paid by the board of aldermen.

B. Notwithstanding any other provision of law to the contrary, in addition to jurisdiction provided in R.S. 33:441, the mayor's magistrate's court of the town of Westlake shall have jurisdiction, concurrent with the city and district court, over suits by the municipality, water district, sewerage district, or any public utility operated by a political subdivision of the state to enforce the collection of an open account regarding property located within the town.

§441.14. Town of Ferriday; appointment of court magistrate; duties; salary

The board of aldermen of the town of Ferriday ~~shall, upon request of the mayor, may~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the mayor's magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed and paid by the board of aldermen.

§441.15. City of DeQuincy; appointment of court magistrate; duties; salary

The ~~mayor~~ governing authority of the city of DeQuincy ~~shall~~ may appoint one or more attorneys who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ city council as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever a magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed and paid by the governing authority of the city of DeQuincy ~~for such time as the magistrate serves in the mayor's stead.~~

§441.16. Town of Addis; appointment of court magistrate; duties; salary

The board of aldermen of the town of Addis ~~shall upon request of the mayor,~~
~~may~~ may appoint an attorney who shall be designated as court magistrate and who shall
 serve at the pleasure of the ~~mayor and may from time to time be designated by the~~
~~mayor to serve in his stead~~ board of aldermen as the presiding official over the
~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor~~
~~to preside over the mayor's court, he shall exercise the powers and authority of the~~
~~mayor over said court.~~ The magistrate shall receive a salary fixed and paid by the
 board of aldermen.

§441.17. Town of White Castle; appointment of court magistrate; duties; salary

The board of aldermen of the town of White Castle ~~shall upon request of the~~
~~mayor,~~ may appoint an attorney who shall be designated as court magistrate and who
 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor~~
~~to preside over the mayor's court, he shall exercise the powers and authority of the~~
~~mayor over said court.~~ The magistrate shall receive a salary fixed and paid by the
 board of aldermen.

§441.18. Town of Simmesport; appointment of court magistrate; duties; salary

The board of aldermen of the town of Simmesport ~~shall upon request of the~~
~~mayor,~~ may appoint an attorney who shall be designated as court magistrate and who
 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor~~
~~to preside over the mayor's court, he shall exercise the powers and authority of the~~
~~mayor over said court.~~ The magistrate shall receive a salary fixed and paid by the
 board of aldermen.

§441.19. Town of Jonesboro; appointment of court magistrate; duties; salary

The board of aldermen of the town of Jonesboro ~~shall, upon request of the~~
~~mayor,~~ may appoint an attorney who shall be designated as court magistrate and who
 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~

~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the mayor's magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall receive a salary fixed and paid by the board of aldermen.

§441.20. City of Gretna; appointment of court magistrate; duties

The board of aldermen of the city of Gretna ~~shall, upon request of the mayor,~~ may appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the mayor ~~and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the mayor's magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed and paid by the board of aldermen.

§441.21. Town of Loreauville; appointment of court magistrate; duties; salary

~~Upon the request of the mayor, the~~ The board of aldermen of the town of Loreauville ~~shall~~ may appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the mayor ~~and who may be designated from time to time by the mayor to serve in his stead~~ board of aldermen as the presiding officer over the mayor's magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and the authority of the mayor over said court.~~ The magistrate shall receive a salary fixed and paid by the board of aldermen.

§441.22. Village of Albany; appointment of court magistrate; duties

The governing authority for the village of Albany, ~~upon request of the mayor,~~ ~~shall~~ may appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the mayor ~~and may from time to time be designated by the mayor to serve in his stead~~ the governing authority as the presiding official over the mayor's magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority~~

~~of the mayor over said court.~~ The magistrate shall serve at a salary fixed and paid by the governing authority.

§441.23. Village of Hessmer; appointment of court magistrate

The board of aldermen of the village of Hessmer ~~shall, upon request of the mayor, may~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall receive a salary fixed and paid by the board of aldermen.

§441.24. Town of Youngsville; appointment of court magistrate; duties

The board of aldermen of the town of Youngsville ~~shall, upon request of the mayor, may~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall receive a salary fixed and paid by the board of aldermen.

§441.25. Town of Jena; appointment of court magistrate; duties; salary

The governing authority of the town of Jena, ~~upon request of the mayor, shall~~ may appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ governing authority as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed by and to be paid by the governing authority.

§441.26. Town of Broussard; appointment of court magistrate; duties; salary

The board of aldermen of the town of Broussard ~~shall, upon request of the mayor, may~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall receive a salary fixed and paid by the board of aldermen.

§441.27. City of New Roads; appointment of court magistrate; duties

The ~~mayor~~ city council of the city of New Roads may, from time to time when he deems it necessary and advisable, appoint an attorney, who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor, to serve in his stead~~ city council as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever a magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed and paid by the mayor and councilmen of the city of New Roads.

§441.28. Town of Lutcher; appointment of court magistrate; duties; salary

The board of aldermen of the town of Lutcher ~~shall, upon request of the mayor, may~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall receive a salary fixed and paid by the board of aldermen.

§441.29. Town of Gramercy; appointment of court magistrate; duties; salary

The board of aldermen of the town of Gramercy ~~shall, upon request of the mayor, may~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~

~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the mayor's magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall receive a salary fixed and paid by the board of aldermen.

§441.30. Village of Evergreen; appointment of court magistrate; duties; salary

The board of aldermen of the village of Evergreen ~~shall, upon request of the mayor, may~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ the board of aldermen as the presiding official over the mayor's magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall receive a salary fixed and paid by the board of aldermen.

§441.31. City of Central; ~~mayor's~~ magistrate's court; appointment of court magistrate; duties; salary

The ~~mayor~~ city council of the city of Central may, from time to time, appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor, to serve in his stead~~ city council as the presiding official over the mayor's magistrate's court. ~~Whenever a magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall receive a salary fixed and paid by the mayor and councilmen of the city of Central.

§441.32. Village of Ida; ~~mayor's~~ magistrate's court

A. There is hereby created the ~~Mayor's~~ Magistrate's Court of the Village of Ida, the territorial jurisdiction of which shall extend throughout the village of Ida in Caddo Parish.

B. The general provisions of R.S. 33:441 and 442 shall be applicable to and shall govern and regulate the Mayor's Court of the Village of Ida, the jurisdiction of

the court, and the power and authority of the ~~mayor~~ magistrate and other officers of the court.

§442. Docket of ~~mayor's~~ magistrate's court; marshal

The ~~mayor~~ magistrate shall keep a regular docket, on which he shall enter the causes arising under the ordinances and to be tried by him. He shall keep a perfect record of all cases tried. He may hold his court at any time. The marshal shall attend the court and serve its process and act as its executive officer.

§443. City of Harahan; appointment of court magistrate; duties

The board of aldermen of the city of Harahan ~~shall, upon request of the mayor, may~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed and paid by the board of aldermen.

§444. City of Westwego; appointment of court magistrate; duties

The board of aldermen of the city of Westwego ~~shall, upon request of the mayor, may~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed and paid by the board of aldermen.

§445. Town of Berwick; appointment of court magistrate; duties

The council of the town of Berwick ~~shall, upon request of the mayor, may~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the ~~mayor and may from time to time be designated by the mayor to serve in his stead~~ council as the presiding official over the ~~mayor's~~ magistrate's

court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed and paid by the council.

§446. Town of Patterson; appointment of court magistrate; duties

The board of aldermen of the town of Patterson ~~shall, upon request of the mayor, may~~ appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the mayor ~~and may from time to time be designated by the mayor to serve in his stead~~ board of aldermen as the presiding official over the mayor's magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.~~ The magistrate shall serve at a salary fixed and paid by the board of aldermen.

§447. Village of Forest; ~~Mayor's~~ Magistrate's Court

A. There is hereby created the ~~Mayor's~~ Magistrate's Court for the Village of Forest in West Carroll Parish.

B. The ~~Mayor's~~ Magistrate's Court for the Village of Forest shall be subject to and governed by the provisions of R.S. 33:441 and 442 and all other general provisions of law which are applicable to ~~mayor's~~ magistrate's courts.

§447.1. ~~Mayor's~~ Magistrate's court; city of DeQuincy; additional court costs

Notwithstanding R.S. 33:441(A) nor any law to the contrary, the ~~mayor of the city of DeQuincy~~ magistrate may also impose court costs not to exceed fifty dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance.

§447.2. ~~Mayor's~~ Magistrate's court; certain municipalities; additional court costs

Notwithstanding any other provision of law to the contrary, the ~~mayors~~ magistrates of the municipalities of Benton, Blanchard, Brusly, Delcambre, Erath, Golden Meadow, Greenwood, Jean Lafitte, Kinder, Oak Grove, Port Barre, Richwood, Simmesport, and White Castle may also impose additional court costs not to exceed twenty dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance.

§447.3. ~~Mayor's~~ Magistrate's court; town of Clinton; additional court costs

Notwithstanding any other provision of law to the contrary, the ~~mayor~~ magistrate in the town of Clinton may also impose additional court costs not to exceed fifteen dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance. Any additional amount in court costs collected pursuant to this Section shall be allocated to the town of Clinton police department to be used to defray operational expenses of the department.

§447.4. ~~Mayor's~~ Magistrate's court; town of Vinton; additional court costs

Notwithstanding any other provision of law to the contrary, the ~~mayor~~ magistrate in the town of Vinton may also impose additional court costs not to exceed twenty dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance.

§447.5. ~~Mayor's~~ Magistrate's court; town of Elton; additional court costs

Notwithstanding any other provision of law to the contrary, the ~~mayor~~ magistrate in the town of Elton may also impose additional court costs not to exceed twenty dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance.

§447.6. ~~Mayor's~~ Magistrate's court; town of Lutchter; additional court costs

Notwithstanding any other provision of law to the contrary, if the local governing authority by ordinance authorizes an increase in court costs for the ~~mayor's~~ magistrate's court of the town of Lutchter, the ~~mayor of the town of Lutchter~~ magistrate, as the presiding officer of the ~~mayor's~~ magistrate's court of the town of Lutchter, may impose court costs not to exceed twenty-three dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance. The court costs authorized by this Section shall be in addition to the court costs authorized by R.S. 33:441.

§447.7. ~~Mayor's~~ Magistrate's court; town of Gramercy; additional court costs

Notwithstanding any other provision of law to the contrary, if the local governing authority by ordinance authorizes an increase in court costs for the ~~mayor's~~ magistrate's court of the town of Gramercy, the ~~mayor of the town of~~

~~Gramercy magistrate~~, as the presiding officer of the ~~mayor's magistrate's~~ court of the town of Gramercy, may impose court costs not to exceed twenty-three dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance. The court costs authorized by this Section shall be in addition to the court costs authorized by R.S. 33:441.

§447.8. ~~Mayor's~~ Magistrate's court; town of Basile; additional court costs

Notwithstanding any other provision of law to the contrary, if the local governing authority by ordinance authorizes an increase in court costs for the ~~mayor's magistrate's~~ court of the town of Basile, the ~~mayor of the town of Basile~~ magistrate, as the presiding officer of the ~~mayor's~~ magistrate's court of the town of Basile, may impose court costs not to exceed seventy-five dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance. The court costs authorized by this Section shall be in addition to the court costs authorized by R.S. 33:441.

§447.9. ~~Mayor's~~ Magistrate's court; town of Sterlington; additional court costs

Notwithstanding any other provision of law to the contrary, the ~~mayor~~ magistrate of the magistrate's court of the town of Sterlington may impose additional court costs not to exceed ten dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance. Any additional amount in court costs collected pursuant to this Section shall be allocated to the Sterlington Police Department.

§447.10. ~~Mayor's~~ Magistrate's court; town of Lockport; additional court costs

Notwithstanding any other provision of law to the contrary, the ~~mayor~~ magistrate of the magistrate's court of the town of Lockport may also impose additional court costs not to exceed forty dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance. Any additional amount in court costs collected pursuant to this Section shall be allocated to the town of Lockport to be used for the purchase, repair, and replacement of law enforcement equipment and technological upgrades for the town of Lockport and the Lockport Police Department.

§447.11. ~~Mayor's~~ Magistrate's court; certain municipalities; additional court costs

A. Notwithstanding any other provision of law to the contrary, the ~~mayors~~ magistrates of the municipalities of DeQuincy, Iowa, Vinton, and Westlake may impose additional court costs not to exceed twenty dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance or traffic violation, provided that fifty percent of any additional court cost collected pursuant to this Section shall be remitted to the Fourteenth Judicial District's Indigent Defender Fund.

B. Notwithstanding any provision of law to the contrary, the additional costs levied pursuant to R.S. 40:2264 and 2266.1 in excess of ten dollars per offense shall be optional in any ~~mayor's~~ magistrate's court that actually levies the additional costs authorized pursuant to Subsection A of this Section.

§447.12. ~~Mayor's~~ Magistrate's court; town of Mansura; additional court costs

Notwithstanding any other provision of law to the contrary, the ~~mayor~~ magistrate of the town of Mansura may impose court costs not to exceed eighty-five dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance. The court costs authorized by this Section shall be in addition to the court costs authorized by R.S. 33:441.

§447.13. ~~Mayor's~~ Magistrate's court; town of Rosepine; additional court costs

Notwithstanding any other provision of law to the contrary, the ~~mayor~~ magistrate of the town of Rosepine may impose court costs not to exceed thirty dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance. The court costs authorized by this Section shall be in addition to the court costs authorized by R.S. 33:441.

§447.14. ~~Mayor's~~ Magistrate's court; town of Anacoco; additional court costs

In addition to the court costs authorized by R.S. 33:441, the ~~mayor~~ magistrate of the town of Anacoco, as the presiding officer of the ~~mayor's~~ magistrate's court of the town of Anacoco, may impose additional court costs not to

exceed twenty dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance.

§447.15. ~~Mayor's~~ Magistrate's court; city of Kenner; additional court costs

Notwithstanding any other provision of law to the contrary, the ~~mayor~~ magistrate of the city of Kenner may also impose additional court costs not to exceed thirty dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance. Any additional amount in court costs collected pursuant to this Section shall be allocated to the city of Kenner to be used for the ~~mayor's~~ magistrate's court security enhancements and technological upgrades.

§447.16. ~~Mayor's~~ Magistrate's court; town of Livingston; court costs

Notwithstanding R.S. 33:441(A) or any other provision of law to the contrary, the ~~mayor~~ magistrate of the town of Livingston may impose court costs not to exceed fifty dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance.

§448. ~~Mayor's~~ Magistrate's court; town of New Llano; establishment; jurisdiction; additional court costs

A. There is hereby created and established a court, to be styled "The ~~Mayor's~~ Magistrate's Court of the town of New Llano, Louisiana", the territorial jurisdiction of which shall extend throughout the town of New Llano, Vernon Parish, Louisiana.

B. The general provisions of R.S. 33:441 and 442 shall be applicable to and shall govern and regulate the ~~mayor's~~ magistrate's court of the town of New Llano, Louisiana, and its officers.

C. The ~~mayor as a court~~ magistrate shall have such authority and power and the ~~mayor's~~ magistrate's court shall have such subject matter jurisdiction as provided by law.

D. In addition to the court costs authorized by R.S. 33:441, the ~~mayor~~ magistrate of the town of New Llano, as the presiding officer of the ~~mayor's~~ magistrate's court of the town of New Llano, may impose additional court costs not

to exceed forty dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance, provided that ten dollars of any additional court costs collected pursuant to this Section shall be remitted to the Thirtieth Judicial District's Indigent Defender's Fund.

§449. ~~Mayor's~~ Magistrate's court, Heflin; establishment; jurisdiction

A. There is hereby created the ~~Mayor's~~ Magistrate's Court of the Village of Heflin, the territorial jurisdiction of which shall extend throughout the village of Heflin in Webster Parish.

B. The general provisions of R.S. 33:441 and 442 shall be applicable to and shall govern and regulate the ~~Mayor's~~ Magistrate's Court of the Village of Heflin and its officers.

C. The ~~mayor acting as a court~~ magistrate shall have such power and authority and the ~~mayor's~~ magistrate's court shall have such jurisdiction as provided by law.

§450. ~~Mayor's~~ Magistrate's court, St. Gabriel; establishment; jurisdiction

A. There is hereby created the ~~Mayor's~~ Magistrate's Court of the Town of St. Gabriel, the territorial jurisdiction of which shall extend throughout the town of St. Gabriel in Iberville Parish.

B. The general provisions of R.S. 33:441 and 442 shall be applicable to and shall govern and regulate the ~~Mayor's~~ Magistrate's Court of the Town of St. Gabriel and its officers.

C. The ~~mayor acting as a court~~ magistrate shall have such power and authority and the ~~mayor's~~ magistrate's court shall have such jurisdiction as provided by law.

§451. ~~Mayor's~~ Magistrate's court, Clarks; establishment; jurisdiction

A. There is hereby created the ~~Mayor's~~ Magistrate's Court of the Town of Clarks, the territorial jurisdiction of which shall extend throughout the town of Clarks in Caldwell Parish.

B. The general provisions of R.S. 33:441 and 442 shall be applicable to and shall govern and regulate the ~~Mayor's~~ Magistrate's Court of the Town of Clarks and its officers.

C. The ~~mayor acting as a court~~ magistrate shall have such power and authority and the ~~mayor's~~ magistrate's court shall have such jurisdiction as provided by law.

§452. Town of Evergreen; appointment of court magistrate

The board of aldermen of the town of Evergreen ~~shall, upon request of the mayor, may~~ appoint an attorney who shall be designated as court magistrate and who shall serve ~~at the pleasure of the mayor and may from time to time be designated by the mayor to serve in his stead~~ as the presiding official over the ~~mayor's~~ magistrate's court. ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over the court.~~

The magistrate shall receive a salary fixed and paid by the board of aldermen.

§453. ~~Mayor's~~ Magistrate's court, Central; establishment; jurisdiction

A. There is hereby created the ~~Mayor's~~ Magistrate's Court of the City of Central, the territorial jurisdiction of which shall extend throughout the city of Central in East Baton Rouge Parish.

B. The general provisions of R.S. 33:441 and 442 shall be applicable to and shall govern and regulate the ~~Mayor's~~ Magistrate's Court of the City of Central, the jurisdiction of the court, and the power and authority of the ~~mayor~~ magistrate and other officers of the court.

§454. ~~Mayor's~~ Magistrate's court, village of Hosston; establishment; jurisdiction

A. There is hereby created the ~~Mayor's~~ Magistrate's Court of the village of Hosston, the territorial jurisdiction of which shall extend throughout the village of Hosston in Caddo Parish.

B. The general provisions of R.S. 33:441 and 442 shall be applicable to and shall govern and regulate the ~~Mayor's~~ Magistrate's Court of the village of Hosston, the jurisdiction of the court, and the power and authority of the ~~mayor~~ magistrate and other officers of the court.

§455. ~~Mayor's~~ Magistrate's court; village of Elizabeth

A. There is hereby created the ~~Mayor's~~ Magistrate's Court of the Village of Elizabeth, the territorial jurisdiction of which shall extend throughout the village of Elizabeth in Allen Parish.

B. The general provisions of R.S. 33:441 and 442 shall be applicable to and shall govern and regulate the ~~Mayor's~~ Magistrate's Court of the Village of Elizabeth, the jurisdiction of the court, and the power and authority of the ~~mayor~~ magistrate and other officers of the court.

§456. ~~Mayor's~~ Magistrate's court, village of Creola; establishment; jurisdiction

A. There is hereby created the ~~Mayor's~~ Magistrate's Court of the Village of Creola, the territorial jurisdiction of which shall extend throughout the village of Creola in Grant Parish.

B. The general provisions of R.S. 33:441 and 442 shall be applicable to and shall govern and regulate the ~~Mayor's~~ Magistrate's Court of the Village of Creola, the jurisdiction of the court, and the power and authority of the ~~mayor~~ magistrate and other officers of the court.

§457. ~~Mayor's~~ Magistrate's court; village of Athens

A. There is hereby created the ~~Mayor's~~ Magistrate's Court of the village of Athens, the territorial jurisdiction of which shall extend throughout the village of Athens in Claiborne Parish.

B. The general provisions of R.S. 33:441 and 442 shall be applicable to and shall govern and regulate the ~~Mayor's~~ Magistrate's Court of the village of Athens, the jurisdiction of the court, and the powers and authority of the ~~mayor~~ magistrate and other officers of the court.

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 Draft

2022 Regular Session

Abstract: Changes all mayors' courts to magistrates' courts and provides for the requirements to be appointed as a magistrate.

Present law provides for mayors' courts for cities, towns, and villages throughout the state and provides that the mayor is the presiding official of each such court.

Proposed law changes all mayors' courts to magistrates' courts throughout the state, removes the mayors as the presiding officer of such courts, and provides that the governing authority of each city, town, and village may appoint an attorney as the magistrate of the magistrate court.

Proposed law requires that every magistrate be an attorney licensed to practice law in this state and that the attorney be in good standing with the Louisiana State Bar Association.

Proposed law prohibits an elected official of the city, town, or village from being appointed by the governing authority as magistrate.

Present law provides for the imposition of various court costs.

Proposed law retains present law.

(Amends R.S. 33:441 - 457)