

CONFERENCE COMMITTEE REPORT

HB 661

2023 Regular Session

Muscarello

June 7, 2023

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 661 by Representative Muscarello, recommend the following concerning the Engrossed bill:

- 1. That the Senate Committee Amendments by the Committee on Judiciary A (#2474) be rejected.
- 2. That Senate Floor Amendment No. 1 by Senator Peacock (#2696) be rejected.
- 3. That Senate Floor Amendments Nos. 2 through 5 by Senator Peacock (#2696) be adopted.
- 4. That Senate Floor Amendments by the Senator Morris (#2845) be accepted.
- 5. That the following amendments be adopted:

AMENDMENT NO. 1

In Senate Floor Amendment No. 4 by Senator Morris (#2845), on page 1, delete line 12 and insert the following:

"membership on its public website.

* * *

Respectfully submitted,

Representative Nicholas Muscarello, Jr.

Senator Barrow Peacock

Representative John M. Stefanski

Senator John C. "Jay" Morris III

Representative Sherman Q. Mack

Senator Jimmy Harris

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)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 661

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Keyword and oneliner of the instrument as it left the House

JUDGES: Provides relative to the Judicial Council of the Supreme Court of Louisiana

Report adopts Senate amendments to:

1. Authorize the Judicial Council to recommend to the legislature, rather than approve, the necessity for additional or eliminating judgeships or judicial offices or for the merger or elimination of courts.
2. Require the Judiciary Commission to publish its membership on its public website.

Report rejects Senate amendments which would have:

1. Required the Judiciary Commission to publish its meeting schedule on its public website.

Digest of the bill as proposed by the Conference Committee

Present law requires the Judicial Council to adopt standards and guidelines to approve the necessity of creating new judgeships and judicial offices and for splitting or merging courts.

Proposed law instead requires the council to make recommendations to the legislature concerning the necessity of creating new judgeships and judicial offices and for splitting or merging courts as well as the elimination of a judgeship or judicial office.

Present law provides that the judgeships and judicial offices to which present law is applicable are any judgeship of the supreme court, courts of appeal, district courts, city courts, parish courts, juvenile courts, family courts, traffic courts, and municipal courts, and any office of commissioner, magistrate, hearing officer, or any other judicial office by whatever other name designated.

Present law does not apply to justice of the peace courts, mayors' courts, or administrative law judges employed by the division of administrative law. Proposed law adds clerks of court to the excepted offices.

Proposed law requires the supreme court in consultation with the clerks of court to adopt rules to establish uniform data reporting standards for all case filings and adjudications, including requirements for electronic filing and reporting. Requires all clerks of court to report requested data to the council in the manner and form directed by the council.

Present constitution (Const. Art. V, §25) provides for the Judiciary Commission, which has the power to recommend the censure, suspension, removal, disqualification, or involuntary retirement of a judge for certain reasons. Present constitution requires the supreme court to make rules providing for confidentiality and privilege of the commission proceedings. Present constitution provides that the Judiciary Commission shall consist of the following:

- (1) One court of appeal judge and two district court judges selected by the supreme court.
- (2) Two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years, selected by the Conference of Court of Appeal Judges or its successor.
- (3) Three citizens, not lawyers, judges active or retired, or public officials, selected by the La. District Judges' Association.

Proposed law requires the Judiciary Commission to publish its membership on its public website beginning Aug. 1, 2023.

(Amends R.S. 13:61; Adds R.S. 13:37)