
DIGEST

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HB 409 Engrossed

2025 Regular Session

LaFleur

Abstract: Clarifies that certain powers and duties of commissioners of the 19th JDC shall be assigned only when necessary. Removes certain powers and duties of the commissioners with regard to hearings for protective order injunctions as well as the administration of oaths, affidavits, and protective orders.

Present law provides that the duties of a commissioner of the 19th JDC shall include hearings and making recommendations of dispositions of any civil, criminal, or domestic violence matter assigned to any judge of the 19th JDC.

Proposed law retains present law but clarifies that these duties shall only be assigned when necessary.

Present law provides that in criminal matters the commissioners may hear preliminary motions prior to filing the bill of information or indictment and may make recommendations to the district judge.

Proposed law retains present law and further provides that the commissioner may dispose of preliminary motions but may only hear and dispose of preliminary motions when necessary.

Present law provides that a commissioner may review and act on petitions for protective orders and matters of domestic violence, including the issuance of a temporary order of protection or restraint until a hearing may be conducted.

Proposed law changes present law to provide that a commissioner may issue a protective order if the protective order is a condition of bail or is required by statute.

Present law provides that a commissioner may administer oaths, take acknowledgments, affidavits and depositions, review and act on petitions for protective orders, conduct hearings regarding protective orders, and make recommendations to the district judge for the issuance of a preliminary or permanent injunction in both civil and criminal matters.

Proposed law retains present law but repeals the authority of the commissioner to make recommendations to the district judge for the issuance of a preliminary or permanent injunction in both civil and criminal matters.

Present law provides that a commissioner may conduct hearings on protective orders and make recommendations to the district judge for the issuance of a preliminary or permanent injunction.

Proposed law repeals present law.

(Amends R.S. 13:713(A) and (B)(2)(e) and (l) and (3)(d); Repeals R.S. 13:713(B)(2)(m) and (3)(c))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Remove the authority of commissioners to handle protective orders and matters of domestic violence in civil matters.