

2026 Regular Session

HOUSE BILL NO. 164

BY REPRESENTATIVE HEBERT

COURTS/COMMISSIONERS: Provides for the powers and duties of the commissioner in the 15th Judicial District Court

1 AN ACT

2 To amend and reenact R.S. 13:716, relative to the Fifteenth Judicial District Court; to
3 authorize the commissioner to preside over criminal, civil, domestic and family law
4 matters; to provide for the powers and duties of the commissioner over criminal,
5 civil, domestic and family law matters; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:716 is hereby amended and reenacted to read as follows:

8 §716. Commissioner; duties; powers; contempt

9 ~~A. The commissioner of the Fifteenth Judicial District Court shall perform~~
10 ~~such duties as are assigned by the chief judge of the district in accordance with rules~~
11 ~~which shall be prescribed by the elected judges of the court, not inconsistent~~
12 ~~herewith or with the constitution and laws of the state.~~

13 ~~B.(1) The commissioner shall have all powers of a district judge not~~
14 ~~inconsistent with the constitution and laws of the state of Louisiana and the United~~
15 ~~States, including but not limited to the power to administer oaths and affirmations,~~
16 ~~take acknowledgments, affidavits, and depositions, sign orders, act in felony and~~
17 ~~misdemeanor charges, hear preliminary motions, accept pleas in misdemeanor cases~~
18 ~~including misdemeanor cases preliminary to trial on the merits, conduct trials of~~
19 ~~misdemeanor cases, fix bail, and sign and issue search and arrest warrants upon~~
20 ~~probable cause being shown and in accordance with Paragraph (2) of this Subsection.~~

1 ~~(2) In felony cases, the commissioner shall not try and adjudicate~~
2 ~~preliminary hearings, motions for discovery, motions to suppress, motions to quash,~~
3 ~~and trials on the merits. The commissioner may be designated and assigned to hear~~
4 ~~and determine any felony pretrial matter pending before the court, not inconsistent~~
5 ~~with the provisions of this Paragraph. The commissioner shall not adjudicate felony~~
6 ~~cases.~~

7 ~~(3) In misdemeanor cases, the commissioner may be designated to hear,~~
8 ~~determine, and adjudicate any matter pending before the court.~~

9 ~~(4) In civil cases, the commissioner may be designated and assigned to~~
10 ~~conduct hearings, including evidentiary hearings, and trials, except motions for~~
11 ~~injunctive relief and temporary restraining orders. In furtherance of the above, civil~~
12 ~~trials and hearings by the commissioner shall be governed by the following rules:~~

13 ~~(a) The commissioner may conduct any or all proceedings on any matter~~
14 ~~pending before the court and order the entry of judgment in any case where the~~
15 ~~parties consent to the matter being heard and adjudicated by the commissioner. Each~~
16 ~~judgment so entered shall be signed by a judge of the district. The clerk of court, at~~
17 ~~the time the action is filed, shall notify the parties of their right to consent to the~~
18 ~~exercise of such jurisdiction. The decision of the parties shall be communicated to~~
19 ~~the clerk. An aggrieved party may appeal a judgment of the commissioner rendered~~
20 ~~pursuant to the authority of this Subsection in the same manner as an appeal from~~
21 ~~any other judgment of a district court.~~

22 ~~(b) If any party does not consent to the matter being heard and adjudicated~~
23 ~~by the commissioner, then the commissioner may be designated to conduct the trials~~
24 ~~and hearings and to submit to the judge of the appropriate division, proposed~~
25 ~~findings of fact and recommendations for the disposition thereof of any matter or~~
26 ~~motion pending before the court or any application for post trial relief made therein.~~
27 ~~In such cases, the commissioner shall file his proposed findings and~~
28 ~~recommendations with the court, and a copy shall forthwith be mailed, postage~~
29 ~~prepaid, to all parties or their counsel of record. Within ten days after transmittal of~~

1 such copy, any party may traverse such findings or recommendations in writing in
2 such manner as shall be specified by the rules of the district court. The judge of the
3 appropriate division shall make a de novo determination of any findings or
4 recommendations to which objection is made. The judge may accept, reject, or
5 modify in whole or in part the findings or recommendations made by the
6 commissioner and also may receive further evidence or recommit the matter to the
7 commissioner with instructions.

8 C. ~~The commissioner shall have the same powers as a judge to punish for~~
9 ~~contempt of court, as set forth in Code of Civil Procedure Articles 221 through 227.~~

10 A. The commissioner has all powers of a district judge not inconsistent with
11 the United States Constitution, the Constitution of Louisiana, and applicable federal
12 and state laws.

13 B. The commissioner has jurisdiction over criminal, civil, domestic relations,
14 and family law matters.

15 C. The provisions of this Section do not affect or limit the jurisdiction of a
16 district judge as provided by law.

17 D. Subject to the provisions of Subsections E through G of this Section, the
18 commissioner shall perform such duties as are assigned by the Fifteenth Judicial
19 District Court in accordance with the rules prescribed by the elected judges of the
20 court.

21 E.(1) The powers of the commissioner when hearing criminal matters may
22 include but are not limited to the following:

23 (a) Administering oaths and affirmations.

24 (b) Taking acknowledgments, affidavits, and depositions.

25 (c) Qualifying jurors for grand jury and petit jury duty.

26 (d) Acting on misdemeanor and felony charges through arraignment;
27 however, the commissioner shall not accept pleas of nolo contendere.

28 (e) Presiding over traffic arraignments and accepting pleas of guilty or nolo
29 contendere for traffic offenses issued pursuant to Title 32 of the Louisiana Revised

1 Statutes of 1950 by issuing recommendations for review and approval by the district
2 court with a corresponding waiver to a right to trial before a district judge made on
3 the record by the defendant.

4 (f) Signing and issuing search and arrest warrants upon probable cause being
5 shown.

6 (g) Reviewing probable cause affidavits within forty-eight hours of
7 warrantless arrests.

8 (h) Fixing bail including but not limited to conducting hearings for the
9 purpose of fixing bail and issuing protective orders, if a condition of bail, or if
10 required by statute.

11 (i) Conducting seventy-two hour hearings as provided in Code of Criminal
12 Procedure Article 230.1.

13 (j) Signing waivers of extradition only upon the written consent of the
14 defendant and the expressed waiver of the defendant's right to have his extradition
15 heard by a district court.

16 (k) Supervising all conditions of bail.

17 (l) Supervising special conditions related to domestic violence, protective
18 orders, and any other probation conditions.

19 (m) Reviewing and acting on petitions for temporary protective orders and
20 matters of domestic violence, including the issuance of temporary orders of
21 protection and temporary restraining orders, until such time as hearings may be
22 conducted on the matters.

23 (n) Conducting hearings regarding protective orders and making
24 recommendations to the appropriate district judge for the issuance of a preliminary
25 or permanent injunction.

26 (2) The commissioner has the same powers as a district judge to fine and
27 punish for contempt of court as set forth in Code of Criminal Procedure Articles 20
28 through 25.

1 F.(1) The powers of the commissioner when hearing civil matters may
2 include but are not limited to the following:

3 (a) Administering oaths and affirmations and performing marriage
4 ceremonies.

5 (b) Taking acknowledgments, affidavits, and depositions.

6 (c) Qualifying jurors for petit jury duty.

7 (d) Reviewing and acting on petitions for temporary protective orders and
8 matters of domestic violence, including the issuance of temporary orders of
9 protection and temporary restraining orders, until such time as hearings may be
10 conducted on the matters.

11 (e) Conducting hearings regarding protective orders and making
12 recommendations to the appropriate judge for the issuance of a preliminary or
13 permanent injunction.

14 (2) The commissioner has the same powers as a district judge to fine and
15 punish for contempt of court as set forth in Code of Civil Procedure Articles 221
16 through 227.

17 G.(1)(a) The powers of the commissioner when hearing domestic relations
18 and family law matters include but are not limited to the following:

19 (i) Administering oaths and affirmations.

20 (ii) Taking acknowledgments, affidavits, and depositions.

21 (iii) Conducting hearings, including evidentiary hearings and trials in matters
22 for which the commissioner has been designated and assigned to hear.

23 (b) The commissioner has the same powers as a district judge to punish for
24 contempt of court as set forth in Code of Civil Procedure Articles 221 through 227.

25 (2) Civil, domestic relations, and family law matter trials and hearings by the
26 commissioner shall be governed by the following rules:

27 (a) The commissioner may conduct any and all proceedings on any matter
28 pending before the court and order the entry of judgment in any case where the
29 parties consent in writing to the matter being heard and adjudicated by the

1 commissioner. Each judgment entered shall be signed by a judge of the district. The
2 clerk of court, at the time the action is filed, shall notify the parties of their right to
3 consent to the exercise of such jurisdiction. The decision of the parties shall be
4 communicated to the clerk. When the parties' consent is required as provided in this
5 Subsection, the failure of the clerk to file the written waiver in the record shall not
6 affect the validity or enforcement of a commissioner's findings or judgment. An
7 aggrieved party may appeal a judgment of the commissioner rendered pursuant to
8 this Subsection in the same manner as an appeal from any other judgment of a
9 district court.

10 (b) If any party does not consent to the matter being heard and adjudicated
11 by the commissioner, the commissioner may be designated to conduct the trial or
12 hearing and submit to the judge of the appropriate division proposed findings of fact
13 and recommendations for the disposition of any matter or motion pending before the
14 court or any application for post-trial relief. In such cases, the commissioner shall
15 file his proposed findings and recommendations with the court, and shall mail a
16 copy, postage prepaid, to all parties or their counsel of record. Within ten days after
17 transmittal of such copy, any party may traverse the findings or recommendations
18 in writing in a manner specified by the rules of the district court. The judge of the
19 appropriate division shall make a de novo determination of any findings or
20 recommendations to which objection is made. The judge may accept, reject, or
21 modify in whole or in part the findings or recommendations made by the
22 commissioner and may also receive further evidence or recommit the matter to the
23 commissioner with instructions.

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 164 Reengrossed

2026 Regular Session

Hebert

Abstract: Provides for the powers and duties of the commissioner of the 15th JDC over criminal, civil, domestic and family law matters

Present law provides for the office of commissioner for the 15th JDC (parishes of Acadia, Lafayette, and Vermillion).

Present law grants to the commissioner jurisdiction over certain aspects of criminal, misdemeanor, and civil cases.

Present law provides that with regard to criminal cases the commissioner shall not try and adjudicate:

- (1) Preliminary hearings.
- (2) Motions for discovery.
- (3) Motions to suppress.
- (4) Motions to quash.
- (5) Trials on the merits.

Present law provides that the commissioner may be designated to hear and determine any felony pretrial matter pending before the court; however, he shall not adjudicate felony cases.

Present law provides that in misdemeanor cases, the commissioner may be designated to hear, determine, and adjudicate any matter pending before the court.

Proposed law specifies that the commissioner has certain powers related to criminal cases to do the following:

- (1) Administer oaths and affirmations.
- (2) Take acknowledgments, affidavits, and depositions.
- (3) Qualify jurors for petit jury duty.
- (4) Act on misdemeanor and felony charges through arraignment; however, the commissioner shall not accept plea of nolo contendere.
- (5) Preside over traffic arraignment and accept pleas of no contest or guilty for traffic offenses issued pursuant to present law (R.S. 32:1 et seq.) by issuing recommendations for review and approval by the district court with a corresponding waiver to a right to trial before a district judge made on the record by the defendant.
- (6) Sign and issue search and arrest warrants upon probable cause being shown.
- (7) Review probable cause affidavits within 48 hours of warrantless arrests.
- (8) Conduct 72-hour hearings as provided in C.Cr.P. Art. 230.1.
- (9) Sign waivers of extradition only upon the written consent of the defendant and the expressed waiver of the defendant's right to have his extradition heard by a district court.
- (10) Supervise all conditions of bail bonds.
- (11) Supervise special conditions of protective orders, domestic violence, and any other probation conditions.

- (12) Review and act on petitions for temporary protective orders and matters of domestic violence, including the issuance of temporary orders of protection and temporary restraining orders, until such time as hearings may be conducted on the matters.
- (13) Conduct hearings regarding protective orders and make recommendations to the appropriate district judge for the issuance of a preliminary or permanent injunction.
- (14) Have the same powers as a district judge to punish for contempt of court as set forth in present law (C.Cr.P. Arts. 20-25).

Proposed law as it relates to civil cases, provides that the commissioner has duties to do the following:

- (1) Administer oaths and affirmations and perform marriage ceremonies.
- (2) Take acknowledgments, affidavits, and depositions.
- (3) Qualify jurors for petit jury.
- (4) Review and act on petitions for temporary protective orders and matters of domestic violence, including the issuance of temporary orders of protection and temporary restraining orders, until such time as hearings may be conducted on the matters.
- (5) Conduct hearings regarding protective orders and make recommendations to the appropriate district judge for the issuance of a preliminary or permanent injunction.
- (6) Have the same powers as a district judge to find and punish for contempt of court as set forth in present law (C.Cr.P. Arts. 20-25).

Present law as it relates to civil cases, provides that the commissioner may be designated and assigned to conduct hearings, including evidentiary hearings, and trials, except motions for injunctive relief and temporary restraining orders. Requires the clerk of court to notify the parties of their right to consent to the jurisdiction. Further provides that an aggrieved party may appeal of judgment of the commissioner in the same manner as an appeal from a judgment of the district court.

Present law provides that if any party does not consent in writing to the matter being heard and adjudicated by the commissioner, the commissioner may be designated to conduct the hearing or trial and submit findings of fact and recommendations for disposition to the presiding judge. Further provides that if the clerk fails to file the consent in the record, it shall not affect the validity or enforcement of the commissioner's findings or judgment.

Present law further provides that the findings of fact and recommendations shall be mailed to all parties and that within 10 days of transmittal, any party may traverse the findings or recommendation. The presiding judge may accept, reject, or modify the findings and may also receive further evidence or commit the matter to the commissioner with instructions.

Proposed law retains present law and provides that present law also applies to domestic relations and family law matter cases.

Proposed law further provides as it relates to domestic relations and family law matters that the commissioner has the following duties:

- (1) To administer oaths and affirmations.
- (2) To take acknowledgments, affidavits, and depositions.

- (3) To conduct hearings, including evidentiary hearings and trials in matters for which the commissioner has been designated and assigned to hear.
- (4) To have the same powers as a district judge to punish for contempt of court as set forth in present law (C.C.P. Arts. 221-227).

(Amends R.S. 13:716)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

- 1. Provide that a commissioner can accept pleas of nolo contendere.
- 2. Clarify that 72-hour hearings are those described in C.Cr.P. Art. 230.1.
- 3. Clarify that the commissioner may fine and punish for contempt.
- 4. Clarify that the commissioner may issue temporary protective orders.
- 5. Provide that consent to have a commissioner preside must be in writing.
- 6. Provide that the failure of the clerk to file the written consent in the record has no impact on the validity or enforcement of the commissioner's findings or judgment.