
DIGEST

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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 please 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.