

SENATE BILL NO. 256

BY SENATOR MORRIS

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AN ACT

To amend and reenact R.S. 13:761(C), 1211, 1211.1, 1212(A), (B)(1) through (5), 1212.1, 1213.1, 1213.2, 1216, 1222, 1338, 1371.2, 1373(A)(1), 1373.1, the introductory paragraph of 1381, 1381(21), 1381.3, 1381.5(A) and (B)(2)(e), 1381.7(A), 2515, and 5971, R.S. 15:85.1(A)(2)(d) and R.S. 18:2(3), 444(E), 602(C)(1) and (E)(2)(c), 1300.7(B), 1354(A)(1), 1511.2(E), and 1511.3(A)(1) and to repeal R.S. 13:1031, 1033, 1371, 1371.1, and 1378, relative to the clerk of court in Orleans Parish; to provide for one clerk of the civil district court and the criminal district court; to provide for payments from the Clerk of Court Expense Fund; to provide for the administration of the court by the clerk of court in Orleans Parish; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:761(C), 1211, 1211.1, 1212(A), (B)(1) through (5), 1212.1, 1213.1, 1213.2, 1216, 1222, 1338, 1371.2, 1373(A)(1), 1373.1, the introductory paragraph of 1381, 1381(21), 1381.3, 1381.5(A) and (B)(2)(e), 1381.7(A), 2515, and 5971 are hereby amended and reenacted to read as follows:

§761. Clerks' Supplemental Compensation Fund; creation; sources of funds

* * *

C. The clerks of all of the district courts ~~and criminal district courts~~ of this state shall remit to the Clerks' Supplemental Compensation Fund from the funds transferred from the advance deposit account to the salary fund account an amount calculated at the rate of four dollars for every original civil suit filed in their offices. The clerk of ~~the Civil District Court~~ **court** for the parish of Orleans shall remit the fees required in this Subsection from the judicial expense fund of the Civil District

1 Court for the parish of Orleans. ~~The clerk of the Criminal District Court for the~~
 2 ~~parish of Orleans shall remit the fees required in this Subsection from the clerk of the~~
 3 ~~Criminal District Court Expense Fund for the parish of Orleans.~~ The clerks of all of
 4 the district courts and criminal district courts of this state shall remit all costs so
 5 collected to the board monthly on or before the tenth day of each calendar month.
 6 The disbursement of the proceeds from the fund may be authorized only by a
 7 majority of the members of the board.

8 * * *

9 §1211. Qualifications; duties; bond; collection of fees; deputies; minute clerks

10 The qualifications and duties of the Orleans clerk of ~~civil district~~ court shall
 11 be as now fixed by law. He shall furnish bond in the sum of twenty thousand dollars,
 12 which shall be examined by the court, and all testimony given in the examination
 13 shall be reduced to writing and filed of record in the court. He shall charge and
 14 collect the fees prescribed by the legislature until superseded by those fixed by the
 15 court. The clerk is authorized, ~~with the approval of the judges of the civil district~~
 16 ~~court,~~ to appoint deputies and other assistants; and he may remove them at pleasure;
 17 ~~or the court may remove them.~~ Each judge of the civil district court **and criminal**
 18 **district court** shall ~~appoint~~ **be appointed, subject to the rules of the court to**
 19 **which they are assigned,** one minute clerk, who shall be sworn as deputy clerk, and
 20 shall receive a salary as the ~~court en banc~~ **executive committee of the Consolidated**
 21 **Judicial Expense Fund for Orleans Parish** may fix. **The salaries currently paid**
 22 **by the City of New Orleans shall be continued at the current amount until the**
 23 **executive committee certifies there are sufficient funds to pay them.** When
 24 directed by the court, a minute clerk shall administer the oath required by law of all
 25 witnesses and jurors.

26 §1211.1. Clerk; election; term of office

27 A. There shall be one clerk of the ~~Civil District Court~~ **court** for the parish of
 28 Orleans, who shall be elected by the qualified electors of Orleans Parish. He shall be
 29 elected at the election for parochial and municipal officers in Orleans Parish, shall
 30 serve for a term of four years, and shall take office and begin his term on the first

1 Monday in May following election.

2 **B. To facilitate transition to a consolidated office of the clerk of court, no**
 3 **employee of the clerk of the Criminal District Court on the date this Section**
 4 **becomes effective may be discharged from employment by the clerk before**
 5 **January 15, 2027, except for good cause shown including but not limited to**
 6 **insubordination or violation of any state or federal law, notwithstanding the**
 7 **provisions of R.S. 13:1371.2. The clerk of the office of the consolidated clerk of**
 8 **court may hire temporary employees or hire contractors to assist in the**
 9 **transition using unrestricted funds of the clerk until June 30, 2027.**

10 §1212. Salary

11 A. The **Orleans** clerk of ~~the civil district~~ court shall receive a salary as
 12 established in R.S. 13:782(A) based on the applicable population of the parish
 13 according to the latest United States census which shall be payable out of the ~~judicial~~
 14 ~~expense~~ **clerk's salary** fund beginning with Fiscal Year 1997-1998 and each fiscal
 15 year thereafter. In addition to this amount, the clerk of ~~the civil district~~ court shall
 16 receive a salary of ten thousand dollars which shall be payable by the ~~state~~ **judicial**
 17 **expense fund**.

18 B.(1) The Louisiana Clerks of Court Certification program, as established
 19 pursuant to R.S. 13:782(I) and (J), shall apply to the clerk of ~~the Civil District Court~~
 20 **court** for the parish of Orleans.

21 (2) In addition to those persons eligible pursuant to R.S. 13:782(I)(3) and
 22 1371.1(B)(2), the person holding the office of clerk of ~~the Civil District Court~~ **court**
 23 for the parish of Orleans shall be eligible for participation in the clerks of court
 24 certification program.

25 (3) The requisite education and training will be provided as set forth in R.S.
 26 13:782(I)(4).

27 (4) The clerks of court certification program committee, as created pursuant
 28 to R.S. 13:782(J) to govern the certification program, shall also apply to the clerk of
 29 ~~the Civil District Court~~ **court** for the parish of Orleans.

30 (5) Documents showing the successful completion of the certification

1 program shall be submitted to and approved by the certification committee. Upon
 2 approval of the application for certification, a person holding the office of clerk of
 3 ~~the Civil District Court~~ **court** for the parish of Orleans shall receive the designation
 4 of Certified Clerk of Court (CCC) and notice of the approval shall be forwarded to
 5 the legislative auditor by the certification committee.

6 * * *

7 §1212.1. Expenses

8 In addition to his salary, the clerk of ~~the Civil District Court~~ **court** for the
 9 **Parish parish** of Orleans, shall receive a sum not to exceed ten percent of his annual
 10 salary as an expense allowance. This allowance shall be payable out of the ~~judicial~~
 11 ~~expense~~ **clerk's salary** fund upon the warrant of the clerk ~~of the civil district court~~.

12 * * *

13 §1213.1. Payment of costs in lump sum

14 In lieu of the fees enumerated in R.S. 13:1213 or otherwise set by the judges
 15 of the Civil District Court for the Parish of Orleans, the judges of the Civil District
 16 Court for the Parish of Orleans may authorize the clerk of ~~the Civil District Court~~
 17 **court** to demand and receive from plaintiffs and defendants a fee to cover the cost
 18 of all pleadings filed respectively by the plaintiff and by the defendant. Such fee
 19 shall be in an amount set by the judges of the Civil District Court for the Parish of
 20 Orleans, sitting en banc, and may vary according to the type of lawsuit filed.
 21 Different fees may be established for the plaintiff and for the defendant. Upon the
 22 filing of initial pleadings by the plaintiff, the clerk shall collect the fee from the
 23 plaintiff, and no further or additional fees shall be demanded by the clerk from the
 24 plaintiff upon the filing of subsequent pleadings by the plaintiff. Upon the filing of
 25 initial pleadings by the defendant, the clerk shall collect the fee from the defendant,
 26 and no further or additional fees shall be demanded by the clerk from the defendant
 27 upon the filing of subsequent pleadings by the defendant.

28 §1213.2. Fees; clerk of ~~the Civil District Court~~ **court**

29 The **Orleans** clerk of ~~the Civil District Court~~ **court** shall collect the fees and
 30 costs set forth in R.S. 13:1213.1, and any other applicable law, and shall deposit no

1 less than ~~forty~~ **forty** percent of the amounts collected in the Clerk's Salary Fund. ~~Fifty~~
 2 **Sixty** percent shall be deposited in the judicial expense fund for the Civil District
 3 Court for the ~~Parish~~ **parish** of Orleans after deduction of statutorily mandated
 4 charges and fees. The clerk shall remit to the judicial expense fund of the Civil
 5 District Court ~~forty~~ **sixty** percent of such fees no later than the twenty-fifth day of the
 6 month following the preceding month's collection.

7 * * *

8 §1216. Docket and index

9 The clerk of ~~the civil district~~ court shall keep a docket of each proceeding
 10 with a proper index thereto.

11 * * *

12 §1222. Motor vehicles for the office of the clerk of ~~the civil district~~ court

13 A. The clerk of ~~the civil district~~ court may purchase or lease three motor
 14 vehicles to be used for official office use only.

15 B. The clerk of ~~the civil district~~ court may purchase insurance for the motor
 16 vehicles authorized in Subsection A of this Section. The insurance shall be purchased
 17 from an insurance company which is licensed to do business under the laws of this
 18 state.

19 C. The clerk of ~~the civil district~~ court may use any funds which are lawfully
 20 available to him to purchase or lease the motor vehicles and to pay the insurance on
 21 the motor vehicles, as authorized in this Section.

22 * * *

23 §1338. Transfer of cases

24 A. All pending cases filed in the Civil District Court for the ~~Parish~~ **parish** of
 25 Orleans over civil commitment proceedings where the Criminal District Court for
 26 the ~~Parish~~ **parish** of Orleans has determined a mentally defective defendant is
 27 incapable of standing trial, is a danger to himself or others, and is unlikely in the
 28 foreseeable future to be capable of standing trial are hereby transferred to the
 29 Criminal District Court for the ~~Parish~~ **parish** of Orleans for further proceedings in
 30 accordance with law. A judge of the civil district court or the criminal district court

1 on his own motion, or upon motion by the district attorney of Orleans Parish or the
 2 attorney of the defendant, may have such case transferred upon the signing of the
 3 order to transfer by either a judge of the Criminal District Court for the ~~Parish~~ **parish**
 4 of Orleans or a judge of the Civil District Court for the ~~Parish~~ **parish** of Orleans.
 5 ~~Upon the signing of such an order, the clerk of the Civil District Court for the Parish~~
 6 ~~of Orleans or the clerk of the Criminal District Court for the Parish of Orleans shall~~
 7 ~~effect delivery of the record to the clerk of the Criminal District Court for the Parish~~
 8 ~~of Orleans, who shall receipt the same and properly file it in his office.~~ The Criminal
 9 District Court for the ~~Parish~~ **parish** of Orleans shall hear and dispose of the case with
 10 the same legal effect as if it had been instituted in that court in the first instance.

11 B. With respect to cases and jurisdiction transferred according to this Section,
 12 the ~~criminal~~ sheriff for the parish of Orleans is vested with the power and authority
 13 to serve all notices, subpoenas, papers, writs, and orders and to make proper return
 14 thereto to the Criminal District Court for the ~~Parish~~ **paish** of Orleans.

15 * * *

16 §1371.2. Clerk; election; term of office; deputy clerks

17 ~~A. There shall be one clerk of the Criminal District Court for the parish of~~
 18 ~~Orleans, who shall be elected by the qualified electors of the parish of Orleans. He~~
 19 ~~shall be elected at the election for parochial and municipal officers in Orleans Parish,~~
 20 ~~shall serve for a term of four years, and shall take office and begin his term on the~~
 21 ~~first Monday in May following election.~~

22 B. The clerk of the ~~Criminal District Court~~ **court** for the parish of Orleans
 23 shall appoint, ~~with the approval of the judges of the court,~~ such deputy clerks as are
 24 necessary to properly conduct the business of his office and of the court. **He may**
 25 **remove them at pleasure, or the court en banc to which they are assigned may**
 26 **remove them.**

27 * * *

28 §1373. Minute clerks and court reporters

29 A.(1) The presiding judge of each section of the criminal district court for the
 30 parish of Orleans ~~may appoint~~ **shall be appointed** a minute clerk ~~at an annual salary~~

1 of forty-eight hundred dollars, and a court reporter at an annual salary of fifty-four
2 hundred dollars; the by the clerk of court in accordance with the provisions of
3 R.S. 13:1211 and subject to the provisions of that Section. The salaries of the
4 minute clerks and of the court reporters shall be paid by the city of New Orleans.

5 * * *

6 §1373.1. Minute clerks, court reporters, and deputy court reporters; ~~salary payable~~
7 ~~by the state~~

8 A. ~~The annual salary of each of the court reporters of Sections A through L,~~
9 ~~both inclusive, and of the magistrate section of the Criminal District Court for the~~
10 ~~parish of Orleans to be paid by the state of Louisiana out of the General Fund of the~~
11 ~~state of Louisiana is hereby fixed at twelve thousand four hundred seventy-eight~~
12 ~~dollars per annum, payable monthly by the state treasurer upon the warrant of said~~
13 ~~court reporters~~ and minute clerks shall be paid by the city in the same amount
14 as provided for on July 1, 2026, and commencing on July 1, 2027, any amount
15 previously paid by the state general fund shall be charged to the Consolidated
16 Judicial Expense Fund for Orleans Parish.

17 B. ~~The annual salary of each of the deputy court reporters in Sections A, B,~~
18 ~~C, D, E, F, G, H, I, J, K, and L of the Criminal District Court for the parish of~~
19 ~~Orleans and the deputy court reporter for the magistrate of the said court, to be paid~~
20 ~~by the state of Louisiana out of the General Fund of the state of Louisiana shall be~~
21 ~~equal to that of the court reporters as provided in Subsection A of this Section and~~
22 ~~shall be payable monthly by the state treasurer upon the warrant of the said deputy~~
23 ~~court reporter.~~

24 C. ~~The annual salary of each of the several minute clerks of said court, and~~
25 ~~the clerk who acts as minute clerk for the judges sitting as a court of appeals to be~~
26 ~~paid by the state of Louisiana out of the General Fund of the state of Louisiana is~~
27 ~~hereby fixed at fifteen thousand seven hundred ninety-one dollars per annum,~~
28 ~~payable monthly by the state treasurer upon the warrant of said minute clerks.~~

29 D. ~~The increase in salary provided herein for court reporters, deputy court~~
30 ~~reporters, and minute clerks, shall not be payable until state funds are made available~~

1 §1381.7. Clerk of the Orleans Parish Criminal District Court

2 A. The legislature finds that adequate funding of the office of Clerk of ~~the~~
3 ~~Criminal District~~ Court for the parish of Orleans is necessary for the efficient
4 performance of the powers and duties required of a judicial officer of the state.
5 Pursuant to the exercise of the police power of the state, actions for obtaining
6 adequate funding are necessary to promote judicial efficiency and to protect and
7 promote the lives, health, morals, comfort, and general welfare of people as a whole.
8 The amounts to be appropriated and paid by the city of New Orleans for expenses,
9 including salaries and maintenance of constitutional officers, their deputies,
10 subordinates, and employees shall not be reduced by the city of New Orleans without
11 the consent of the legislature **expressed by approval of a proposal by the Joint**
12 **Legislative Committee on the Budget.**

13 * * *

14 §2515. Application for supervisory writs; stay orders

15 All applications for supervisory writs of certiorari, prohibition, or mandamus
16 to the Criminal District Court for the ~~Parish~~ **parish** of Orleans from the Municipal
17 and Traffic Court of New Orleans shall be filed with the clerk of ~~the Criminal~~
18 ~~District Court~~ for the ~~Parish~~ **parish** of Orleans, and shall be by him allotted to the
19 criminal court of appeals panel then sitting to hear appeals within that court under
20 its rules, in connection with cases not appealable to the Supreme Court of Louisiana.
21 No stay order shall be binding on the lower court unless at least two of such judges
22 shall order such stay. The application for writs shall follow the general form and
23 shall contain all documents and exhibits now required by Rule X of Rules of the
24 Supreme Court of Louisiana, or as may be hereafter required under Rule X.

25 * * *

26 §5971. Applicability

27 The judicial administrative districts authorized by this Chapter shall provide
28 an optional and additional method of funding ~~the office of the clerk for the Criminal~~
29 ~~District Court for the parish of Orleans~~, the office of the clerk of court for ~~the Civil~~
30 ~~District Court~~ for the parish of Orleans, and the office of the clerk of district court

1 for each of the other parishes.

2 Section 2. R.S. 15:85.1(A)(2)(d) is hereby amended and reenacted to read as follows:

3 §85.1. Posting of criminal bond; fee assessed

4 A.(1) * * *

5 (2) The proceeds from cases in which the criminal prosecution has been
6 concluded shall be distributed on a quarterly basis as follows:

7 * * *

8 (d) Two dollars shall be remitted to the office of the clerk of court for the
9 parish, ~~except in the parish of Orleans where two dollars shall be remitted to the~~
10 ~~office of the clerk of the criminal district court,~~ or to the office of the city or
11 municipal clerk of court in cases where the municipality is responsible for the
12 prosecution.

13 * * *

14 Section 3. R.S. 18:2(3), 444(E), 602(C)(1) and (E)(2)(c), 1300.7(B), 1354(A)(1),
15 1511.2(E), and 1511.3(A)(1) are hereby amended and reenacted to read as follows:

16 §2. Definitions

17 As used in this Code, the following words and terms shall have the meanings
18 hereinafter ascribed to each, unless the context clearly indicates another meaning:

19 * * *

20 (3) "Clerk of court" or "clerk" means the clerk of the district court, ~~except~~
21 ~~that in any parish having a civil district court and a criminal district court, these~~
22 ~~terms mean the clerk of the criminal district court.~~

23 * * *

24 §444. Parish executive committees

25 * * *

26 E. Powers of the committee. The parish executive committee of a recognized
27 political party may adopt rules and regulations for its government that are not
28 inconsistent with the laws of this state or the rules and regulations of the state central
29 committee, and it may create any committee it deems necessary. The rules and
30 regulations of the parish executive committee of a recognized political party shall be

1 filed with the clerk of court within ten days after their adoption. ~~In parishes which~~
2 ~~have a civil and a criminal district court, the rules and regulations of a parish~~
3 ~~executive committee shall be filed with the clerk of the criminal district court.~~

4 * * *

5 §602. Vacancies in certain local and municipal offices; exceptions

6 * * *

7 C.(1) When a vacancy occurs in any of the following offices, the duties of the
8 office shall be assumed by the person hereinafter designated: (a) district attorney, by
9 the first assistant; (b) clerk of a district court, by the chief deputy; (c) coroner, by the
10 chief deputy; (d) sheriff, by the chief criminal deputy, ~~except that in a parish that has~~
11 ~~both a civil sheriff and a criminal sheriff, the civil sheriff by the chief civil deputy,~~
12 ~~and the criminal sheriff, by the chief criminal deputy, respectively;~~ and (e) tax
13 assessor, by the chief deputy assessor.

14 * * *

15 E.(1)(a)

* * *

16 (2)(a)

* * *

17 (c) Within twenty-four hours after issuing the proclamation, the authority or
18 authorities ordering the special election shall send a copy of the proclamation, by
19 certified or registered mail, to the clerk of the district court for the parish in which
20 the vacancy occurred. ~~If the vacancy occurred in the parish of Orleans, the copy of~~
21 ~~the proclamation shall be so mailed to the clerk of the criminal district court.~~ If the
22 vacancy occurs in an office which affects more than one parish, a copy of the
23 proclamation shall at the same time be so mailed to the clerk of each of the parishes.
24 A copy of the proclamation also shall be mailed to the secretary of state at the same
25 time and in the same manner.

26 * * *

27 §1300.7. Governor to order election; proclamation; publication

28 * * *

29 B. Within twenty-four hours after issuing the proclamation, the governor
30 shall send a copy of the petition and proclamation, by registered or certified mail, to

1 the clerk of the district court for each parish in which the election is to be held. ~~If the~~
2 ~~election is to be held in Orleans Parish, the city of New Orleans, the copy of the~~
3 ~~petition and proclamation shall be mailed to the clerk of the criminal district court.~~

4 A copy of the petition and proclamation also shall be sent to the secretary of state.
5 Within twenty-four hours after he receives the copies, the secretary of state shall
6 notify all other election officials having any duty to perform in connection with a
7 recall election, including the parish board of election supervisors for the parish or
8 parishes in which the election is held. Immediately after receipt of the proclamation,
9 the secretary of state shall publish the proclamation in the official journal of each
10 parish in which the election is to be held.

11 * * *

12 §1354. Parish custodian of voting machines; powers and duties; appointment of
13 deputy custodians

14 A.(1) The clerk of the district court is ex officio parish custodian of voting
15 machines in each parish, ~~except that in any parish having a civil and a criminal~~
16 ~~district court the clerk of the criminal district court is ex officio parish custodian of~~
17 ~~voting machines.~~ The parish custodian of each parish shall assist the secretary of
18 state in the performance of his functions within the parish.

19 * * *

20 §1511.2. Supervisory committee; rulemaking authority; advisory opinions; inquiries

21 * * *

22 E. The supervisory committee shall prepare and distribute to the general
23 public through the offices of the clerks of court ~~and in Orleans Parish the office of~~
24 ~~the clerk of the criminal district court~~ and on its website, booklets of explanation and
25 instruction concerning the provisions of this Chapter in such a manner as to inform
26 the public of the procedures and requirements of this Chapter. The supervisory
27 committee may publish and distribute additional material to assist persons in
28 complying with the provisions of this Chapter.

29 §1511.3. Filing of reports; forms; notice

30 A.(1) All reports required by this Chapter shall be filed with the supervisory

1 committee as otherwise provided in this Chapter on forms provided by the
 2 supervisory committee. The supervisory committee shall prepare forms for all
 3 reports required by this Chapter in conformity with the requirements of this Chapter
 4 and shall cause such forms to be printed and sufficient copies thereof furnished to
 5 the clerks of court ~~and in Orleans Parish to the clerk of the criminal district court,~~
 6 who shall make them available to all persons required to file reports under the
 7 provisions of this Chapter. All forms shall contain instructions directing the person
 8 filing with whom to file reports. It is the intent of the legislature that the supervisory
 9 committee shall provide forms in a simple format in conformity with the
 10 requirements of this Chapter.

11 * * *

12 Section 4. The provisions of this Act shall not reduce the current term of office of the
 13 clerk of criminal district court for the parish of Orleans on the effective date of this Act. The
 14 office of clerk of criminal district court for the parish of Orleans shall be abolished at the end
 15 of May 3, 2026, and before the term of any other criminal clerk of court begins. Immediately
 16 thereafter, the authority, functions, duties, and responsibilities of the office of clerk of
 17 criminal district court for the parish of Orleans, and all of the books, papers, records, monies,
 18 actions, and other property of every kind and description, movable and immovable, real and
 19 personal, possessed, controlled, or used by the office of the clerk of criminal district court
 20 for the parish of Orleans shall be transferred and owned, possessed, controlled, and used by
 21 the clerk of the civil district court for the parish of Orleans, who shall thereafter be referred
 22 to as the clerk of court for the parish of Orleans.

23 Section 5. Whenever the clerk of the criminal district court for the parish of Orleans
 24 is referred to or designated by law, rule, or regulation on and after the date that office is
 25 abolished, such reference or designation shall be deemed to apply to the clerk of civil district
 26 court for the parish of Orleans or hereafter "clerk of court for the parish of Orleans".

27 Section 6. R.S. 13:1031, 1033, 1371, 1371.1, and 1378 are hereby repealed in their
 28 entirety.

29 Section 7. This Act shall become effective upon signature by the governor or, if not
 30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____