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**SENATE COMMITTEE AMENDMENTS**

2026 Regular Session

Amendments proposed by Senate Committee on Judiciary B to Reengrossed House Bill No. 1038 by Representative Boyer

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 13:1881(B)" to "R.S. 13:1881 and 1899(C)(introductory paragraph)"

AMENDMENT NO. 2

On page 1, line 3, after "authorities;" insert "to provide for premium payments of liability and health insurance;"

AMENDMENT NO. 3

On page 1, delete line 4 in and insert the following:

"to provide for limitations; to provide for exceptions; to provide for an effective date; and to provide for related"

AMENDMENT NO. 4

On page 1, line 7, change "R.S. 13:1881(B) is" to "R.S. 13:1881 and 1899(C)(introductory paragraph) are"

AMENDMENT NO. 5

On page 1, line 8, after "deputy marshals" insert "; limitation"

AMENDMENT NO. 6

On page 1, delete line 9 and insert the following:

"A.(1) The marshal is the executive officer of the his respective city court; he shall execute the orders and mandates of the court and in the execution thereof, and in making arrests and preserving the peace, he has the same powers and authority of a sheriff where he has territorial jurisdiction and is responsible for the execution of all lawful orders, mandates, writs, notices, and civil process issued by the court.

(2) Notwithstanding any provision of law to the contrary, the arrest authority of a marshal and any deputy marshal is strictly limited to the following circumstances:

(a) Execution of attachments, bench warrants, or any other orders of arrest issued by a city court within the territorial jurisdiction of the marshal.

(b) Detainment or the taking into custody of an individual only when reasonably necessary to effectuate the service or execution of any of the following:

(i) Civil writs.

(ii) Notices of eviction.

(iii) Orders of seizure or attachment.

(iv) Any other civil process lawfully issued by a city court.

(3) Detainment or the taking into custody of an individual upon order of the city court for acts occurring in the court's presence that constitute direct contempt."

AMENDMENT NO. 7

On page 1, at the beginning of line 10, change "B.(1)(a)" to "B.(1)"

AMENDMENT NO. 8

1 On page 1, line 13, after "marshal" delete the remainder of the line and delete line 14, at the  
2 beginning of line 15, delete "million dollars." and insert the following:

3 "shall be insured in an amount of five hundred thousand dollars. The premiums for  
4 liability insurance and health insurance for the marshal and approved deputy  
5 marshals shall be paid by the city court of the marshal's territorial jurisdiction."

6 AMENDMENT NO. 9

7 On page 2, at the end of line 4, delete "The" and delete lines 5 through 9

8 AMENDMENT NO. 10

9 On page 2, line 16, after "deputies." insert "Such funds shall also be used to defray  
10 operational expenses of the office, including but not limited to the payment of premiums for  
11 liability insurance and health insurance for the marshal and approved deputy marshals."

12 AMENDMENT NO. 11

13 On page 2, below line 18, add the following:

14 "C. Unless expressly authorized by the local governing authority where the  
15 marshal has territorial jurisdiction, no marshal or deputy marshal shall do any of the  
16 following:

- 17 (1) Exercise general law enforcement authority.
- 18 (2) Conduct traffic stops, criminal investigations, or arrests without a warrant  
19 for alleged violations of criminal law.
- 20 (3) Execute arrest warrants issued by any court other than the city court of  
21 the marshal's territorial jurisdiction.
- 22 (4) Obtain a commission from any law enforcement agency that has primary  
23 jurisdiction over the area of the marshal's territorial jurisdiction.

24 D.(1) Nothing in this Section prohibits a marshal or deputy marshal from  
25 requesting assistance from or coordinating with any of the following:

- 26 (a) State law enforcement agencies.
- 27 (b) Parish sheriff's offices.
- 28 (c) Municipal police departments.
- 29 (2) Any arrest powers exercised in coordination with the law enforcement  
30 agencies described in Paragraph (1) of this Subsection shall be carried out solely by  
31 the authorized law enforcement agency unless otherwise provided by law.

32 E. Any marshal or deputy marshal who acts outside the scope of authority  
33 provided in this Section may be held civilly liable for his actions.

34 F. Nothing in this Section prohibits any local governing authority from  
35 enacting an ordinance that confers a marshal or deputy marshal with the same  
36 powers and duties as a peace officer as defined in R.S. 40:2402.

37 G. This Section shall not apply to any of the following:

- 38 (1) Any marshal with a territorial jurisdiction that exceeds a population of  
39 forty thousand or more as provided in the most recent federal decennial census.
- 40 (2) Any marshal who also serves as the chief of police.
- 41 (3) Any city constable.

42 \* \* \*

43 §1899. Assessment and disposition of costs in criminal cases; costs in juvenile  
44 matters for specified courts

45 \* \* \*

46 C. In all criminal matters, when the office of the marshal has derived one  
47 hundred thousand dollars or more in revenues for the year 2004 from costs assessed  
48 pursuant to this Subsection, the city judge shall assess, in addition to the costs  
49 assessed in Subsection A of this Section, the sum of fifteen dollars as additional costs  
50 of court. In all criminal matters, when the office of the marshal has derived less than  
51 one hundred thousand dollars in revenues for the year 2004 from costs assessed  
52 pursuant to this Subsection, the city judge shall assess, in addition to the costs  
53 assessed in Subsection A of this Section, the sum of thirty dollars as additional costs  
54 of court. The proceeds shall be deposited in a special account, separate and distinct

1 from the account provided for in Subsection B of this Section, which account shall  
2 be in the name of and under the control of the marshal or constable of the court, shall  
3 be subject to audit, and shall be used to defray operational expenses of the office of  
4 marshal or constable of the court, all as may be useful and necessary for the proper  
5 conduct of the marshal's or constable's office, including but not limited to the  
6 payment of premiums for liability insurance and health insurance for the marshal and  
7 approved deputy marshals, or for purchase of law enforcement equipment, and all  
8 as may be proved by the marshal or constable. The city judges of any and all  
9 parishes and the mayor's court in the town of Many in Sabine Parish ~~shall be~~ are  
10 authorized to assess such sum in accordance with this Section. Assessments in  
11 particular courts are governed by the following:

12 \* \* \*

13 Section 2. This Act shall become effective on January 1, 2027."