

**SENATE COMMITTEE AMENDMENTS**

2026 Regular Session

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

1 AMENDMENT NO. 1

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

4 AMENDMENT NO. 2

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

7 AMENDMENT NO. 3

8 On page 1, line 4, after "provide for" change "a limitation" to "limitations"

9 AMENDMENT NO. 4

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

12 AMENDMENT NO. 5

13 On page 1, line 8, after "deputy marshals" insert a semicolon ";" and insert "limitation;"

14 AMENDMENT NO. 6

15 On page 1, delete lines 9 through 20, on page 2, delete lines 1 through 9, and insert the  
16 following:

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

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

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

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

30 (i) Civil writs.

31 (ii) Notices of eviction.

32 (iii) Orders of seizure or attachment.

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

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

36 B.(1)(a) The marshal may appoint one or more deputy marshals ~~having who~~  
37 ~~are P.O.S.T. certified and have the same powers and authority as the marshal, but the~~  
38 ~~subject to approval from the local governing authority where the marshal has~~  
39 ~~territorial jurisdiction. At the beginning of each fiscal year, each marshal shall~~  
40 ~~submit his budget to the local governing authority, which shall then notify its~~  
41 ~~respective marshal regarding the maximum amount of commissions that may be~~  
42 ~~issued. If a marshal's jurisdiction extends into a ward, the governing authority where~~

1 the city court is domiciled shall serve as the governing authority with decision-  
2 making authority over the maximum amount of allowable commissions.

3 (b) Notwithstanding the compensation that is payable to the marshal as  
4 required by law, a marshal who is able to fund the operational expenses of his office  
5 on the sole basis of fees collected pursuant to R.S. 13:1899 and 5807 does not  
6 require the approval of the local governing authority regarding the maximum amount  
7 and approval of deputy marshal commissions.

8 (2) Any approved deputy marshal shall be insured in an amount of five  
9 hundred thousand dollars. The premiums for liability insurance and health insurance  
10 for the marshal and approved deputy marshals shall be paid by the marshal from the  
11 fees and monies received by the marshal and his office, unless otherwise mutually  
12 agreed to by the marshal and the respective local governing authority. The marshal  
13 shall be is responsible for their the actions of the deputy marshal."

14 AMENDMENT NO. 7

15 On page 2, at the beginning of line 10, change "(2)" to "(3)"

16 AMENDMENT NO. 8

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

20 AMENDMENT NO. 9

21 On page 2, after line 18, add the following:

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

25 (1) Exercise general law enforcement authority.

26 (2) Conduct traffic stops, criminal investigations, or arrests without a warrant  
27 for alleged violations of criminal law.

28 (3) Execute arrest warrants issued by any court other than the city court of  
29 the marshal's territorial jurisdiction.

30 (4) Obtain a commission from any law enforcement agency that has primary  
31 jurisdiction over the area of the marshal's territorial jurisdiction.

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

34 (a) State law enforcement agencies.

35 (b) Parish sheriff's offices.

36 (c) Municipal police departments.

37 (2) Any arrest powers exercised in coordination with the law enforcement  
38 agencies described in Paragraph (1) of this Subsection shall be carried out solely by  
39 the authorized law enforcement agency unless otherwise provided by law.

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

42 F.(1) Nothing in this Section prohibits any local governing authority from  
43 enacting an ordinance that confers a marshal or deputy marshal with the same  
44 powers and duties as a peace officer as defined in R.S. 40:2402.

45 (2) If a marshal's jurisdiction extends into a ward, the governing authority  
46 where the city court is domiciled shall serve as the governing authority authorized  
47 to enact an ordinance that confers a marshal or deputy marshal with the same powers  
48 and duties as a peace officer as defined in R.S. 40:2402.

49 G.(1) This Section does not apply to any of the following:

50 (a) Any marshal with a territorial jurisdiction that exceeds a population of  
51 forty thousand or more as provided in the most recent federal decennial census.

52 (b) Any marshal who also serves as the chief of police.

53 (c) Any city constable.

54 (2) The individuals provided in this Subsection have the same powers and  
55 duties as a peace officer as defined in R.S. 40:2402.

1 H. Nothing in this Section affects, impairs, or restricts the supplemental pay  
2 that a marshal or deputy marshal is entitled to pursuant to R.S. 40:1667.1.

3 \* \* \*

4 §1899. Assessment and disposition of costs in criminal cases; costs in juvenile  
5 matters for specified courts

6 \* \* \*

7 C. In all criminal matters, when the office of the marshal has derived one  
8 hundred thousand dollars or more in revenues for the year 2004 from costs assessed  
9 pursuant to this Subsection, the city judge shall assess, in addition to the costs  
10 assessed in Subsection A of this Section, the sum of fifteen dollars as additional costs  
11 of court. In all criminal matters, when the office of the marshal has derived less than  
12 one hundred thousand dollars in revenues for the year 2004 from costs assessed  
13 pursuant to this Subsection, the city judge shall assess, in addition to the costs  
14 assessed in Subsection A of this Section, the sum of thirty dollars as additional costs  
15 of court. The proceeds shall be deposited in a special account, separate and distinct  
16 from the account provided for in Subsection B of this Section, which account shall  
17 be in the name of and under the control of the marshal or constable of the court, shall  
18 be subject to audit, and shall be used to defray operational expenses of the office of  
19 marshal or constable of the court, all as may be useful and necessary for the proper  
20 conduct of the marshal's or constable's office, including but not limited to the  
21 payment of premiums for liability insurance and health insurance for the marshal and  
22 approved deputy marshals, or for purchase of law enforcement equipment, and all  
23 as may be proved by the marshal or constable. The city judges of any and all  
24 parishes and the mayor's court in the town of Many in Sabine Parish ~~shall be~~ are  
25 authorized to assess such sum in accordance with this Section. Assessments in  
26 particular courts are governed by the following:

27 \* \* \*

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