

GREEN SHEET REDIGEST

HB 1038

2026 Regular Session

Boyer

LAW ENFORCEMENT: Provides relative to the authority of a marshal to issue commissions to deputy marshals.

DIGEST

Present law provides for general powers and duties of a marshal and the appointment of deputy marshals.

Present law provides that the marshal is the executive officer of the court to execute the orders and mandates of the court, make arrests and preserve the peace, having the same powers and authority of a sheriff.

Proposed law provides that marshal is the executive officer of his respective city court 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.

Proposed law requires that the arrest authority of a marshal and any deputy marshal be strictly limited to the following circumstances:

- (1) Execution of attachments, bench warrants, or any other orders of arrest issued by a city court within the territorial jurisdiction of the marshal.
- (2) Detainment or the taking into custody of an individual only when reasonably necessary to effectuate the service or execution of any of the following:
 - (a) Civil writs.
 - (b) Notices of eviction.
 - (c) Orders of seizure or attachment.
 - (d) 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.

Present law authorizes the marshal to appoint one or more deputy marshals having the same powers and authority as the marshal, but requires the marshal to be responsible for their actions.

Proposed law generally retains present law, but requires that the deputy marshals be P.O.S.T. certified.

Proposed law requires that the appointment of a deputy marshal be approved by the local governing authority where the marshal has territorial jurisdiction.

Proposed law requires the marshal to submit his budget to the local governing authority.

Proposed law requires the local governing authority to inform the marshal regarding the maximum amount of commissions he is authorized to issue.

Proposed law provides that if a marshal funds the operational expenses of his office on the sole basis of fees collected pursuant to present law, he is not required to seek approval of the local governing authority regarding the maximum amount and approval of deputy marshal commissions.

Proposed law requires that any approved deputy marshal be insured in an amount of \$500,000.

Proposed law requires that the premiums for liability insurance and health insurance for the marshal and approved deputy marshals be paid by the marshal from the fees and monies received by the marshal and his office, unless otherwise mutually agreed to by the marshal and the local governing authority.

Proposed law prohibits the marshal or deputy marshal from doing any of the following without authorization from the local governing authority:

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

Proposed law authorizes a marshal or deputy marshal to request assistance from or coordinate with any of the following:

- (1) State law enforcement agencies.
- (2) Parish sheriff's offices.
- (3) Municipal police departments.

Proposed law authorizes any marshal or deputy marshal acting outside the scope of authority to be subject to civil liability for his actions.

Proposed law authorizes the local governing authority to enact an ordinance that confers a marshal or deputy marshal with the same powers and duties as a peace officer as defined in present law.

Proposed law provides for exceptions that proposed law does not apply to marshals meeting the following criteria:

- (1) Any marshal with a territorial jurisdiction that exceeds a population of 40,000 or more as provided in the most recent federal decennial census.
- (2) Any marshal who also serves as the chief of police.
- (3) Any city constable.

Proposed law provides that applicable supplemental pay that a marshal or deputy marshal is entitled to pursuant to present law is unaffected by proposed law.

Effective January 1, 2027.

(Amends R.S. 13:1881 and 1899(C)(intro para))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the reengrossed bill

1. Make technical changes.
2. Add provision generally limiting the responsibility of a marshal and deputy to the execution of all lawful orders, mandates, writs, notices, and civil process issued by the court.

3. Add provision requiring deputy marshals to be P.O.S.T. certified.
4. Add provision generally requiring the appointment of a deputy marshal be approved by the local governing authority where the marshal has territorial jurisdiction.
5. Add provision requiring the marshal to submit his budget to the local governing authority.
6. Add provision requiring any approved deputy marshal be insured in an amount of \$500,000.
7. Add provision prohibiting the marshal or deputy marshal from doing any of the following without authorization from the local governing authority:
 - (a) Exercise general law enforcement authority.
 - (b) Conduct traffic stops, criminal investigations, or arrests without a warrant for alleged violations of criminal law.
 - (c) Execute arrest warrants issued by any court other than the city court of the marshal's territorial jurisdiction.
 - (d) Obtain a commission from any law enforcement agency that has primary jurisdiction over the area of the marshal's territorial jurisdiction.
8. Add provision authorizing the local governing authority to enact an ordinance that confers a marshal or deputy marshal with the same powers and duties as a peace officer as defined in present law.
9. Add provision providing exceptions to proposed law under the following circumstances:
 - (a) The marshal has a territorial jurisdiction that exceeds a population of 40,000 or more as provided in the most recent federal decennial census.
 - (b) The marshal also serves as the chief of police.