

SENATE BILL NO. 357

BY SENATOR REESE

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AN ACT

To amend and reenact R.S. 13:72.1, 74, 76, and 353(B) and R.S. 40:2405(B), Code of Civil Procedure Article 157(A) and (B)(2), and Code of Criminal Procedure Article 679(E), to enact R.S. 13:103.1 and Code of Civil Procedure Article 157(C), and to repeal R.S. 13:75 and 353(C), relative to the courts and the judiciary; to provide relative to the supreme court; to provide relative to courts of last resort of other states; to provide relative to adoption of rules; to provide relative to criers for the supreme court; to provide relative to the court's security personnel; to provide relative to statewide police power; to provide relative to security for the courts of appeal; to provide relative to the deputy secretary of public safety services; to provide relative to a justice's primary residence; to provide relative to filing, case management, and related technology; to provide relative to certain vouchered expenses; to provide relative to reimbursement for official expenses; to provide relative to duly adopted rules of the court; to provide relative to employee compensation; to provide relative to public retirement systems; to provide relative to retirement of a crier of the supreme court; to provide for commissions issued to court security personnel; to provide relative to recusal; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:72.1, 74, 76, and 353(B) are hereby amended and reenacted and R.S. 13:103.1 is hereby enacted to read as follows:

§72.1. Declaration of state law to federal **or other** courts

A. The supreme court of this state may, by rule of court, provide that when it shall appear to the Supreme Court of the United States, or to any court of ~~appeals~~ of the United States, **or to the courts of last resort of other states**, that there are

1 involved, in any proceeding before it, questions or propositions of the laws of this
2 state, which are determinative of the said cause, and there is no clear controlling
3 precedent in the decisions of the supreme court of this state, such ~~federal appellate~~
4 court may certify such questions or propositions of the laws of this state to the
5 supreme court of this state for instructions concerning such questions or propositions
6 of state law, which certificate the supreme court of this state may, by written opinion,
7 answer.

8 B. The supreme court of this state is hereby authorized and empowered to
9 **adopt all rules it deems appropriate to administer this Section and to** collaborate
10 with any and all other courts of last resort of other states and of the United States in
11 the preparation and approval of uniform rules of court to make effective this and
12 similar laws. **The provisions of Subsection A of this Section are applicable and**
13 **operative only to the extent of any rules duly adopted by the supreme court.**

14 * * *

15 §74. Crier for Supreme Court; salary

16 There shall ~~may~~ be a ~~crier~~ **one or more criers** for the supreme court, who
17 shall be appointed by the judges of the supreme court **from among the court's**
18 **security personnel**, and be commissioned by the civil sheriff for the parish of
19 Orleans as a deputy sheriff. ~~The crier shall receive from the state treasury on his own~~
20 ~~warrant approved by the chief justice the sum of thirty-one hundred dollars, per~~
21 ~~annum, payable monthly.~~ **Security personnel commissioned pursuant to this**
22 **Section shall be considered members of a bona fide police agency and may**
23 **additionally be designated by the court as requiring statewide police power**
24 **pursuant to R.S. 40:1379.1 in the same manner as provided for in Subsection N**
25 **of that Section. Upon request, the deputy secretary of public safety services, or**
26 **his designee, may also facilitate additional security assistance for the court.**

27 * * *

28 §76. Facsimile **Filing, case management, and related** technology in state courts;
29 uniform plan

30 **A.** The supreme court may provide for the development of a comprehensive

1 and uniform plan for the use of ~~facsimile~~ **filing, case management, and related**
 2 technology by and in the courts of this state. In exercising this authority, the court
 3 may appoint advisory committees **or working groups** with members representing
 4 judges, clerks of court, practicing attorneys in civil and criminal law, law
 5 enforcement, researchers and other users of court records, and others whose expertise
 6 and experience will assist in the preparation of the plan. The court may provide for
 7 the implementation of the plan through recommended legislation.

8 **B. This Section is only applicable to appellate courts.**

9 * * *

10 **§103.1. Expenses of the supreme court**

11 **A. Any justice whose primary residence is more than fifty miles from the**
 12 **courthouse may elect all or part of any amount due under R.S. 13:103 to be**
 13 **reimbursed as a vouchered expense or otherwise allowed pursuant to an**
 14 **accountable plan maintained in accordance with Title 26 of the United States**
 15 **Code, provided that the election shall be for an entire year, and the total**
 16 **amount elected or claimed under this Subsection as vouchered expenses actually**
 17 **incurred that would otherwise be unreimbursed, together with any amount**
 18 **otherwise remaining payable under R.S. 13:103 as a taxable allowance for**
 19 **expenses after any partial election or lack of election under this Subsection,**
 20 **shall not exceed the amounts otherwise provided for under R.S. 13:103 for each**
 21 **month.**

22 **B. Reimbursement for other official expenses paid from available funds**
 23 **shall be subject to the court's duly adopted rules , including rules concerning**
 24 **any reimbursement, allowances, or payment of expenses concerning mileage,**
 25 **other travel, or related to performing official duties within the respective**
 26 **districts for those justices with a primary residence more than a fifty-mile**
 27 **round trip from the courthouse.**

28 **C. Any amounts reimbursed or payable under this Section shall not be**
 29 **considered employee compensation for the purposes of any public retirement**
 30 **system.**

1 initial employment.

2 (2) Certified security personnel of the Supreme Court of Louisiana or of any
3 court of appeal of the state, except those already duly commissioned as deputy
4 sheriffs under R.S. 13:74, shall not be eligible to receive supplemental pay benefits
5 even though the peace officer has successfully completed a council-approved
6 training program. The commission issued to court security personnel shall remain
7 in force and in effect at the pleasure of the employing court.

8 * * *

9 Section 3. Code of Civil Procedure Article 157(A) and (B)(2) are hereby amended
10 and reenacted and Code of Civil Procedure Article 157(C) is hereby enacted to read as
11 follows:

12 Art. 157. Recusal of supreme court justice

13 A. A party desiring to recuse a justice of the supreme court shall file a written
14 motion therefor assigning the ground for recusal under Article 151. When a written
15 motion is filed to recuse a justice of the supreme court, the justice may recuse
16 himself or refer the motion ~~shall~~ to be heard by the other justices of the court.

17 B. When a justice of the supreme court recuses himself or is recused by a
18 majority of the other justices, the court may do one of the following:

19 * * *

20 (2) Appoint a retired justice of the supreme court or a sitting or retired
21 judge of a district court or a court of appeal having the qualifications of a justice of
22 the supreme court, other than age, as a justice ad hoc to act for the recused justice
23 in the hearing and disposition of the cause.

24 C. A referred recusal motion shall be denied unless a majority of the
25 other justices serving in the case when the motion is filed find sufficient grounds
26 for recusal under Article 151.

27 Section 4. Code of Criminal Procedure Article 679(E) is hereby amended and
28 reenacted to read as follows:

29 Art. 679. Recusal of an appellate judge and a supreme court justice

30 * * *

1 E. When a justice of the supreme court recuses himself or is recused by a
2 majority of the other justices, the court may have the cause argued before and
3 disposed of by the other justices or appoint a retired justice of the supreme court
4 or sitting or retired judge of a district court or of a court of appeal having the
5 qualifications of a justice of the supreme court, other than age, to sit as a member
6 of the court in the hearing and disposition of the cause. A referred recusal motion
7 shall be denied unless a majority of the other justices serving in the case when
8 the motion is filed find sufficient grounds for recusal under Article 671.

9 Section 5. R.S. 13:75 and 353(C) are hereby repealed in their entirety.

10 Section 6. Notwithstanding any other provision of law to the contrary, the provisions
11 of R.S. 13:103.1 shall not prohibit a justice of the supreme court from having a district office
12 located anywhere within a parish from which the justice has been previously elected
13 notwithstanding that his primary work location is otherwise to be in his district.

14 Section 7. This Section and Sections 1, 3, 4, 5, and 6 of this Act shall become
15 effective upon signature by the governor or, if not signed by the governor, upon expiration
16 of the time for bills to become law without signature by the governor, as provided by Article
17 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently
18 approved by the legislature, this Act shall become effective on the day following such
19 approval. Section 2 of this Act shall become effective on July 1, 2026.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____