

SENATE BILL NO. 217

BY SENATOR MORRIS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

AN ACT

To amend and reenact R.S. 13:1137(B), 1302, 1312(A), (B), (C), and (D)(1), 1335, 1337(A) and (B), 1343(A), 1344(A) and (D), 1347(A)(3), (B), and (C), 1383, 1384, 1595, 2151(D), 2151.4(D), 2492(A)(1), (5), and (6), to enact R.S. 13:1312(E) and (F), and 2492(A)(8), and to repeal R.S. 13:1304, 1347(D), (F), and (G), 1595.1, and 2492(A)(7)(b), relative to courts in Orleans Parish; to provide for the number of court judges and commissioners; to provide for payment of court expenses from the Consolidated Judicial Expense Fund; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1137(B), 1302, 1312(A), (B), (C), and (D)(1), 1335, 1337(A) and (B), 1343(A), 1344(A) and (D), 1347(A)(3), (B), and (C), 1383, 1384, 1595, 2151(D), 2151.4(D), 2492(A)(1), (5), and (6) are hereby amended and reenacted and R.S. 13:1312(E) and (F), and 2492(A)(8) are hereby enacted to read as follows:

§1137. Civil district court for the Parish of Orleans; jurisdiction

\* \* \*

B. The court **of appeal with jurisdiction over the parish of Orleans** has appellate jurisdiction over all cases tried in the city courts of New Orleans ~~where the amount in dispute, value of the movable property involved, or fund to be distributed does not exceed one hundred dollars, exclusive of interest. These appeals shall be tried de novo by a single judge, and without a jury; however, the Civil District Court for the Parish of Orleans may provide by rule that no evidence shall be admitted on the trial de novo which was not offered in the city court unless it is shown to the satisfaction of the court that despite the exercise of reasonable diligence by the party offering it such evidence could not have been produced at the trial in the city court.~~

\* \* \*

1 §1302. Criers

2 The judge of each division of the civil district court shall appoint a crier for  
 3 his division who shall be commissioned by the civil sheriff as a deputy sheriff, and  
 4 who shall perform such duties as may be provided by law and the rules of the court.  
 5 When directed by the court, the crier shall administer the oath required by law of all  
 6 witnesses and jurors. Each crier shall receive a compensation **payable by the sheriff**  
 7 **of Orleans Parish for service as a bailiff in the same manner as a deputy of**  
 8 **similar experience and any such other amount** as the ~~court en banc~~ **executive**  
 9 **committee of the judicial expense fund** may fix ~~which in any event shall not be less~~  
 10 ~~than three hundred dollars per month~~, payable out of the judicial expense fund of the  
 11 parish of Orleans on the warrant of the judge of the division in which the crier  
 12 serves. ~~In addition to the compensation payable to each crier from any source~~  
 13 ~~whatsoever, each crier shall receive additional compensation of one hundred dollars~~  
 14 ~~per month payable by the city of New Orleans, plus additional compensation of two~~  
 15 ~~hundred dollars per month payable by the city of New Orleans when and if funds are~~  
 16 ~~made available therefor.~~ **For Fiscal Year 2026-27, the judicial expense fund shall**  
 17 **reimburse the sheriff for the full amount of compensation of criers. Thereafter,**  
 18 **the reimbursement for the compensation of criers shall be subject to an**  
 19 **agreement between the executive committee of the Consolidated Judicial**  
 20 **Expense Fund and the sheriff. Nothing in this Section relieves a sheriff of any**  
 21 **obligation under applicable law, including R.S. 13:5539(B).**

22 \* \* \*

23 §1312. Judicial expense fund; sources, control, and administration

24 A. The clerks of the First and Second City Court shall place all sums  
 25 collected or received under this Section in a separate account to be designated as the  
 26 Judicial Expense Fund for the ~~Civil District Court for the Parish of Orleans. The~~  
 27 ~~judges, en banc, of the Civil District Court for the Parish of Orleans and the First and~~  
 28 ~~Second City Courts of the city of New Orleans~~ **The executive committee of the**  
 29 **Consolidated Judicial Expense Fund for the parish of Orleans** shall have control  
 30 over the fund and all disbursements made therefrom. They shall cause to be

1 conducted annually an audit of the fund and the books and accounts relating thereto,  
2 and shall file the audit with the office of the legislative auditor where it shall be  
3 available for public inspection.

4 B. The ~~judges of the Civil District Court for the Parish of Orleans and the~~  
5 ~~First and Second City Courts of the city of New Orleans, sitting en banc,~~ **executive**  
6 **committee of the Consolidated Judicial Expense Fund for the parish of Orleans**  
7 shall have control over the judicial expense fund for the parish of Orleans, accruing  
8 and accrued, and to this end shall fix and regulate from time to time the number of  
9 deputies and employees of the offices of the clerks of the City Courts and their  
10 expenses, and also shall have the power to fix the tariff of costs and charges to be  
11 paid for official services in the offices, which are paid into, and constitute the fund;  
12 due publication of which tariff, when made, shall be given. They shall have power  
13 to determine whether any amounts from the fund shall be devoted to the expense or  
14 payment of taking testimony by shorthand and to regulate and provide for the same.  
15 The judges are authorized to contribute out of the fund, to the embellishment,  
16 maintenance, improvement or repair, or both, of each courtroom, the courthouse  
17 itself or its furnishings, or both, and may contribute to any pension, retirement  
18 system and group hospitalization plans to which officers and employees paid out of  
19 the fund may belong.

20 C. The ~~judges, en banc,~~ **executive committee of the Consolidated Judicial**  
21 **Expense Fund for the parish of Orleans** may further appoint such secretarial,  
22 clerical, research, administrative, or other personnel as they deem necessary to  
23 expedite the business and function of the court and fix and pay all or any part of the  
24 salaries of such personnel out of the monies in the judicial expense fund. In like  
25 manner, the ~~judges, en banc,~~ **executive committee of the Consolidated Judicial**  
26 **Expense Fund for the parish of Orleans** may utilize the monies in the judicial  
27 expense fund to pay all or any part of the cost of establishing or maintaining, or both,  
28 a law library for the court, or for buying or maintaining, or both, any type of  
29 equipment, supplies, or other items consistent with or germane to the efficient  
30 operation of the court. In general, the judicial expense fund is established and may

1 be used for any purpose or purposes connected with, incidental to, or related to the  
 2 proper administration or function of the said court or the offices of the individual  
 3 judges and is in addition to any and all other funds, salaries, expenses, or other  
 4 monies that are now or hereafter provided, authorized, or established by law for any  
 5 of the aforesaid purposes.

6 D.(1) The ~~judges, en banc,~~ **executive committee of the Consolidated**  
 7 **Judicial Expense Fund for the parish of Orleans** may utilize the monies in the  
 8 judicial expense fund to pay all or any part of the cost of planning, designing, and  
 9 constructing a new courthouse for the parish of Orleans, which shall house the  
 10 following courts and all related support offices:

- 11 (a) Civil District Court.
- 12 (b) First and Second City Courts.
- 13 (c) Juvenile Courts.

14 \* \* \*

15 **E. All funds collected pursuant to R.S. 22:822(B)(3) or that would**  
 16 **otherwise be deposited in the Judicial Expense Fund for Criminal District Court**  
 17 **as provided for in R.S. 13:1381.4 shall instead be deposited into the**  
 18 **Consolidated Judicial Expense Fund for Orleans Parish as created pursuant to**  
 19 **this Section.**

20 **F. The executive committee of the Consolidated Judicial Expense Fund**  
 21 **for Orleans Parish shall be comprised of the following members: two judges**  
 22 **appointed by the civil district court judges; two judges appointed by the**  
 23 **criminal district court judges; one judge appointed by the city court judges; and**  
 24 **two sitting and two retired judges appointed by the supreme court. The**  
 25 **executive committee shall have the authority to govern the fund.**

26 §1335. Criminal district court for the parish of Orleans

27 **A.** There shall be one criminal district court for the parish of Orleans, which  
 28 shall be composed of ~~twelve~~ **nine** judges.

29 **B.(1) Divisions A, E, and J of the Criminal District Court for the parish**  
 30 **of Orleans shall be abolished in accordance with this Section.**

1                    (2) No qualifying shall be opened for any successor to a judgeship that  
 2                    is abolished pursuant to this Subsection, and no election shall be held for any  
 3                    judgeship abolished pursuant to this Subsection.

4                    \*            \*            \*

5                    §1337. Appellate and supervisory jurisdiction; writs

6                    A. The ~~Criminal District Court~~ **Court of appeal with jurisdiction** for the  
 7                    Parish of Orleans shall have appellate jurisdiction of all cases tried before the  
 8                    Municipal Court of New Orleans and the Traffic Court of New Orleans. Appeals  
 9                    from the municipal and traffic courts shall be on the law and the facts and shall be  
 10                    tried upon the records made and the evidence offered in said courts by the judge to  
 11                    whom the appeal shall be allotted. ~~In all cases tried before the judges of the criminal~~  
 12                    ~~district court in which an appeal does not lie to the supreme court, an appeal shall lie~~  
 13                    ~~on questions of law and fact to two or more of the judges of the criminal district~~  
 14                    ~~court, as prescribed by said court. The criminal district court shall adopt rules~~  
 15                    ~~regulating the manner of taking and hearing and deciding such appeals.~~

16                    B. The ~~Criminal District Court~~ **Court of appeal with jurisdiction** for the  
 17                    Parish of Orleans shall have general supervisory jurisdiction over the municipal and  
 18                    traffic courts of New Orleans and shall have authority to issue writs of habeas corpus  
 19                    in criminal cases, as well as such other writs and orders as are necessary in aid of the  
 20                    jurisdiction of the court.

21                    \*            \*            \*

22                    §1343. Allotment of cases among judges; holding of preliminary examination not  
 23                    ground for recusation

24                    A. All cases pending in the criminal district court shall be allotted equally  
 25                    among ~~Sections A, B, C, D, E, F, G, H, I, J, K, and L~~ **the divisions** of the court.  
 26                    Except on Sundays, legal holidays, and legal half-holidays, the allotment of cases  
 27                    shall be made public by classes daily at noon by the clerk or a deputy clerk selected  
 28                    by him, in the presence of the district attorney. The fact the accused was committed  
 29                    for trial at a preliminary examination shall not be grounds for the recusation of the  
 30                    trial judge who held the preliminary examination.

\* \* \*

§1344. Homicide section; Orleans Parish Criminal District Court; assignment of judges; jurisdiction; transfer of cases; expedited handling of writs and appeals; applicability of section to other district courts

A. The judges of the Criminal District Court for the parish of Orleans ~~who are in office on August 15, 2009~~, may create the homicide section of that court, by rule of court adopted by the judges sitting en banc. The rule may designate not less than one incumbent judge who may be assigned to a homicide section in accordance with the rules of the Criminal District Court for the parish of Orleans.

\* \* \*

D. Any homicide section, court, or **other special** division adopted pursuant to R.S. 13:587.4 **or other authority** shall conform to the ~~extent practicable to the provisions of this Section~~ **rules of court provided that the rules and assignments shall be subject to the general supervisory authority of the supreme court pursuant to Article V of the Constitution of Louisiana.**

\* \* \*

§1347. Commissioners of magistrate section

A. \* \* \*

(3) The judges of the criminal district court, sitting en banc, shall determine the further powers, duties, functions, and policy affecting the offices of commissioner, not inconsistent with the provisions of this Section **provided that the rules shall be subject to general supervision of the supreme court pursuant to Article V of the Constitution of Louisiana. Unless otherwise provided by any rule adopted by the court in accordance with this Paragraph, the commissioners shall have the same authority for cases within the jurisdiction of the Orleans Criminal Court as a commissioner pursuant to R.S. 13:713, including the authority to make a report and recommendation to the judges concerning claims for post-conviction relief by the incarcerated.**

**(4) The salaries of commissioners may be optionally supplemented by the city of New Orleans or the Consolidated Judicial Expense Fund for the parish**

1 of Orleans, as determined by its executive committee, provided that total  
 2 compensation in accordance with this Section shall not exceed that for a  
 3 commissioner pursuant to R.S. 13:713.

4 B. ~~The initial appointments by the governor of the three commissioners~~  
 5 ~~created in R.S. 13:1347, Act No. 548 of the 1974 Regular Session of the Louisiana~~  
 6 ~~Legislature, are hereby approved, confirmed, ratified, continued, validated, and~~  
 7 ~~affirmed and said appointment shall be for a term of six years from the date thereof~~  
 8 shall appoint a nominating committee of five members to vet and recommend  
 9 future commissioners.

10 C. Should there be a vacancy created by the removal, resignation or death of  
 11 any commissioner of the four commissioners, the judges of the criminal district  
 12 court sitting en banc shall fill the vacancy by appointment for the unexpired term  
 13 from a list provided by the nominating committee as provided for in Subsection  
 14 B of this Section. At the termination of the initial term and or any subsequent terms  
 15 of a commissioner, the judges of the criminal district court sitting en banc shall  
 16 appoint successors to the office for like terms from a list provided by the  
 17 nominating committee as provided for in Subsection B of this Section. All  
 18 commissioners are subject to removal for any reason for which a judge of the  
 19 criminal district court may be removed from office. Such removal shall be by order  
 20 of the judges of the criminal district court sitting en banc, upon recommendation  
 21 of the nominating committee after notice and hearing, and shall be subject to  
 22 review by the Supreme Court of Louisiana in the same manner as if the removal  
 23 was recommended by the Judiciary Commission. Nothing in this Section shall  
 24 divest the Judiciary Commission of concurrent jurisdiction to recommend  
 25 discipline of commissioners. No one shall serve in the office of commissioner  
 26 unless he has practiced law in the state of Louisiana for a period of not less than five  
 27 years. Commissioners shall be allowed to practice civil law but shall not engage in  
 28 the practice of criminal law.

29 \* \* \*

30 §1383. Sections; court buildings



1 of Orleans shall be abolished effective December 31, 2014, at midnight.

2 ~~€.~~**B.** The first judgeship becoming vacant by death, resignation, retirement,  
3 or removal ~~during the term of office~~ **of any of the other Sections after January 1,**  
4 **2027,** shall be abolished at midnight of such day. **If any incumbent judge is**  
5 **prohibited from serving in office at the commencement of the next term due to**  
6 **the provisions of Article V, Section 23 of the Constitution of Louisiana, that**  
7 **section shall be considered as vacant by retirement solely for the purposes of**  
8 **this Subsection as of the end of that term and no qualifying shall be opened for**  
9 **a successor if that seat is the judgeship that is required to be abolished pursuant**  
10 **to this Subsection at the end of that term of office.**

11 ~~Đ.~~**C.(1)** Upon the abolishment of a judgeship as provided for in Subsections  
12 **Subsection B and or C** of this Section, the funding from the city of New Orleans for  
13 such judgeship shall be allocated for **improved** juvenile services within the city of  
14 New Orleans.

15 **(2) The judges, en banc, may appoint a hearing officer in the same**  
16 **manner as any district court or may appoint a commissioner to perform duties**  
17 **in accordance with the rules of the court as prescribed by the elected judges that**  
18 **are in accordance with the Louisiana Constitution and do not exceed authority**  
19 **otherwise provided for in the law for a hearing officer or commissioner in a**  
20 **district court in the state. Nothing in this Section shall require additional**  
21 **appropriation from the city of New Orleans without its consent.**

22 \* \* \*

23 §2151. Sections of first city court; election of judges; presiding judge; jurisdiction

24 \* \* \*

25 D. The civil jurisdiction is concurrent with the district court in cases where  
26 the amount in dispute, as defined in Code of Civil Procedure Article 4841(B), or the  
27 value of the property involved, does not exceed ~~twenty~~ **fifty** thousand dollars.

28 \* \* \*

29 §2151.4. Second City Court; judge; clerk; constable; jurisdiction

30 \* \* \*

1 D. The civil jurisdiction is concurrent with the district court in cases where  
 2 the amount in dispute, as defined in Code of Civil Procedure Article 4841(B), or the  
 3 value of the property involved, does not exceed ~~twenty-five~~ **fifty** thousand dollars.

4 \* \* \*

5 §2492. Number of judges; qualifications; election; salary; vacation

6 A. (1)The Municipal and Traffic Court of New Orleans shall consist of eight  
 7 judgeships through December 31, 2020. ~~Thereafter~~ **Until January 1, 2027**, it shall  
 8 consist of seven judgeships. **Thereafter it shall consist of five judgeships.**

9 \* \* \*

10 (5) Division "H" and the judgeship for Division "H" shall be abolished  
 11 December 31, 2020, effective at midnight. **Divisions "B" and "F" and the**  
 12 **judgeships for Divisions "B" and "F" shall be abolished on December 31, 2026,**  
 13 **effective at midnight.** The other divisions shall remain unchanged as previously  
 14 designated Divisions "A" through "G".

15 (6) A vacancy in Divisions "A", ~~through~~ **"C", "D", "E", and "G"** shall be  
 16 filled by election to that division as provided in this Section.

17 \* \* \*

18 **(8) Excluding the judgeships provided for in Paragraph (5) of this**  
 19 **Subsection and notwithstanding any other provision of this Subsection, the first**  
 20 **judgeship becoming vacant by death, resignation, retirement, or removal of any**  
 21 **division after December 31, 2026, shall be abolished at midnight of such day. If**  
 22 **any incumbent judge is prohibited from serving in office at the commencement**  
 23 **of the next term due to the provisions of Article V, Section 23 of the**  
 24 **Constitution of Louisiana, that division shall be considered as vacant by**  
 25 **retirement solely for the purposes of this Paragraph as of the end of that term**  
 26 **and no qualifying shall be opened for a successor if that seat is the judgeship**  
 27 **that is required to be abolished pursuant to this Paragraph.**

28 \* \* \*

29 Section 2. R.S. 13:1304, 1347(D), (F), and (G), 1595.1, and 2492(A)(7)(b) are hereby  
 30 repealed.

1           Section 3. Any judge and the related division otherwise abolished pursuant to this  
 2 Act shall remain in effect only to the end of the current term of office. No provision of this  
 3 Act shall deprive any judge in office of the ability to serve the entire remainder of his current  
 4 unexpired term of office. To effectuate the provisions of this Act, no further elections shall  
 5 be held for any judgeship abolished pursuant to the provisions of this Act, including for any  
 6 division repealed under either Section 1 or 2 of this Act.

7           Section 4. This Act shall become effective upon signature by the governor or, if not  
 8 signed by the governor, upon expiration of the time for bills to become law without signature  
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 11 effective on the day following such approval.

---

PRESIDENT OF THE SENATE

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_