

2015 Regular Session

HOUSE BILL NO. 728

BY REPRESENTATIVE GAROFALO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS/JUSTICE OF PEACE: Provides relative to justice of the peace courts

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 4919(A)(introductory paragraph)
3 and (5), 4922, and 4925(A) and to enact Code of Civil Procedure Articles 4921.1(C)
4 and 4921.2, relative to justice of the peace courts; to provide relative to the service
5 of citations; to provide relative to trial procedures; to provide relative to notice of
6 judgment; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Articles 4919(A)(introductory paragraph) and
9 (5), 4922, and 4925(A) are hereby amended and reenacted and Code of Civil Procedure
10 Articles 4921.1(C) and 4921.2 are hereby enacted to read as follows:

11 Art. 4919. Citation; service of citation; justice of the peace courts; district courts
12 with concurrent jurisdiction

13 A. The citation must be signed by the justice of the peace or the clerk of
14 court issuing it, with an expression of his official capacity and under the seal of his
15 office, must be accompanied by a certified copy of any petition, which has been
16 filed, exclusive of exhibits, even if made a part thereof, and must contain the
17 following:

18 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 728 Engrossed

2015 Regular Session

Garofalo

Abstract: Provides relative to trial procedures, evidence, and citation and service procedures for justice of the peace courts.

Present law provides general provisions for trial.

Proposed law retains present law but provides the following:

- (1) Provides for requirements relative to the citation.
- (2) Authorizes the justice of the peace or clerk of court to set matters for trial within certain time delays.
- (3) Provides for duties of the justice of the peace as it relates to trial procedures.
- (4) Provides relative to notice of judgment and procedures for appeal.

(Amends C.C.P. Arts. 4919(A)(intro. para.) and (5), 4922, and 4925(A); Adds C.C.P. Arts. 4921.1(C) and 4921.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Remove the requirements that all pleadings shall be in writing and filed with the justice of the peace or clerk of court.
2. Remove all proposed law provisions relative to the form of pleadings, signing of the pleadings, and form of the petition.
3. Change the requirement that the first scheduled trial date be not more than 45 days from the issuance of the citation to the service of the citation and removes requirement that the setting of the trial date is contingent upon service occurring not less than ten days before the time set for trial.
4. Remove authority for a justice of the peace to raise defenses or claims of which the parties may be unaware.