

2016 Regular Session

HOUSE BILL NO. 600

BY REPRESENTATIVE LEGER

COURTS: Provides for the Municipal and Traffic Court of New Orleans

1 AN ACT

2 To amend and reenact R.S. 13:2492(A), (B), (D), (E), and (F), 2493(A), (B), and (C),
3 2495(B), 2495.1(A), 2496.2(A), 2496.3(F) and (G)(3), 2497(A), 2498, 2499, and
4 2500.2 and to repeal R.S. 13:2493(G), 2500.1, and 2501, relative to the Municipal
5 and Traffic Court of New Orleans; to provide for divisions of court; to provide for
6 qualifications of judges; to provide for the number of judgeships; to provide for the
7 salaries of judges; to provide relative to the appointment of ad hoc judges; to provide
8 relative to court reporters; to provide relative to law enforcement; to provide for the
9 expenses of consolidation; to provide for a cooperative endeavor agreement; and to
10 provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 13:2492(A), (B), (D), (E), and (F), 2493(A), (B), and (C), 2495(B),
13 2495.1(A), 2496.2(A), 2496.3(F) and (G)(3), 2497(A), 2498, 2499, and 2500.2 are hereby
14 amended and reenacted to read as follows:

15 §2492. Number of judges; qualifications; election; salary; vacation

16 A. The Municipal and Traffic Court of New Orleans shall consist of eight
17 judges, all of whom must be attorneys-at-law, who shall be elected by the qualified
18 electors of the parish of Orleans. They shall not be less than thirty years of age.

19 Each shall have practiced law in the state for at least ~~five~~ eight years preceding his

1 ~~election; and shall be a duly qualified elector of the parish of Orleans and shall be~~
2 domiciled in the parish of Orleans for at least two years prior to his election.

3 (1) Each of the eight judges, ~~one of whom shall be the judge of the housing~~
4 ~~court division, for the purposes of nomination and election only,~~ shall preside over
5 separate and distinct divisions of the court.

6 (2) The divisions provided for in Paragraph (1) of this Subsection shall be
7 designated alphabetically as Division "A", Division "B", Division "C", Division "D",
8 Division "E", Division "F", Division "G", and Division "H".

9 (3)(a) The judges presiding over Divisions A through D shall not engage in
10 the practice of law nor share in the profits, directly or indirectly, of any law firm or
11 legal corporation. The judges assigned to Divisions A through D shall receive a
12 salary equal to a district judge but not more salary paid, from all sources, to the
13 district court judges in and for the parish of Orleans, of which the amount payable
14 by the state to city judges of the state shall be paid by the state and the remainder
15 shall be payable by the city of New Orleans. The salary shall be payable monthly
16 by his own warrant.

17 (b)(i)(aa) Beginning at midnight on December 31, 2022, the judge presiding
18 over Division E shall not engage in the practice of law nor share in the profits,
19 directly or indirectly, of any law firm or legal corporation.

20 (bb) Beginning at midnight on December 31, 2023, the judge presiding over
21 Division F shall not engage in the practice of law nor share in the profits, directly or
22 indirectly, of any law firm or legal corporation.

23 (cc) Beginning at midnight on December 31, 2024, the judge presiding over
24 Division G shall not engage in the practice of law nor share in the profits, directly
25 or indirectly, of any law firm or legal corporation.

26 (ii) Beginning on the applicable date as provided in Item (i) of this
27 Subparagraph, a judge in Division E, F, and G shall receive a salary equal to a
28 district judge but not more salary paid, from all sources, to the district court judges
29 in and for the parish of Orleans, of which the amount payable by the state to city

1 judges of the state shall be paid by the state and the remainder shall be payable by
2 the city of New Orleans. The salary shall be payable monthly by his own warrant.

3 (4) The judge currently serving in Municipal Court Division A shall transfer
4 to Division A of the Municipal and Traffic Court of New Orleans; the judge
5 currently serving in Municipal Court Division B shall transfer to Division E of the
6 Municipal and Traffic Court of New Orleans; the judge currently serving Division
7 C of Municipal Court shall transfer to Division C of the Municipal and Traffic Court
8 of New Orleans; the judge currently serving in Division D of Municipal Court shall
9 transfer to Division F of the Municipal and Traffic Court of New Orleans; the judge
10 currently serving Division A of Traffic Court shall transfer to Division H of the
11 Municipal and Traffic Court of New Orleans; the judge currently serving in Division
12 B of Traffic Court shall transfer to Division B of Municipal and Traffic Court of
13 New Orleans; the judge currently serving in Division C of Traffic Court shall
14 transfer to Division D of the Municipal and Traffic Court of New Orleans; and the
15 judge currently serving in Division D of Traffic Court shall transfer to Division G
16 of Municipal and Traffic Court of New Orleans.

17 (5)(a) Effective at midnight on December 31, 2020, the judgeship created for
18 Division H of the Municipal and Traffic Court of New Orleans shall be abolished.
19 If a vacancy by death, resignation, retirement, or removal occurs in any other
20 division of the Municipal and Traffic Court of New Orleans prior to December 31,
21 2020, the judgeship in that division shall be abolished instead of the judgeship in
22 Division H.

23 (b) Upon abolishment of the judgeship in Division H or the judgeship that
24 becomes vacant by death, resignation, retirement or removal as provided by the
25 provisions of this Section, all cases of the abolished section of court shall be
26 reallotted equally by the clerk of court among the remaining sections of the court.

27 B. Each of the judges shall be elected for an eight year term at the regular
28 congressional election held immediately preceding the expiration of such term.
29 Every term shall expire on December thirty-first of the last year thereof. Any

1 vacancy in the court for any cause where the unexpired term is less than one year
2 shall be filled temporarily by appointment by the ~~governor~~ Louisiana Supreme Court
3 until the next succeeding congressional election, at which time such vacancy shall
4 be filled for the remainder of the unexpired term by election. All judges so elected
5 shall take their office on the first day of January following their election.

6 * * *

7 D. Each of the judges of the Municipal and Traffic Court of New Orleans
8 shall have annual vacation ~~of~~ not to exceed thirty days, the time to be fixed by the
9 rules of the court.

10 E. Whenever any of the judges are temporarily absent because of court
11 business, illness or while on vacation, a judge ad hoc may be ~~appointed by the judges~~
12 ~~of the municipal and traffic court, acting en banc,~~ selected pursuant to the rules of
13 the Louisiana Supreme Court to serve during the period of such temporary absence.
14 The judge ad hoc shall have the qualifications for election to the office and his
15 compensation shall be ~~proportionately equal to that of the judge for whom he is~~
16 ~~appointed to serve~~ determined by the judges en banc, and shall be payable ~~in the~~
17 ~~same manner and from the same source or sources as that of such judge~~ by the city
18 of New Orleans pursuant to warrant of the judge who is temporarily absent.

19 F. The judge of the Municipal and Traffic Court of New Orleans having the
20 most seniority shall become the ~~senior and~~ administrative judge during his tenure of
21 office and shall not engage in the practice of law or share in the profits, directly or
22 indirectly, of any law firm or legal corporation. The ~~senior and~~ administrative judge
23 of the Municipal and Traffic Court of New Orleans shall possess the same
24 qualifications that are required of district court judges and shall receive a salary ~~of~~
25 ~~not less than eighteen thousand dollars per annum, but not more than~~ equal to the
26 salary paid, from all sources, to the district court judges in and for the parish of
27 Orleans. The governing authority of Orleans Parish shall determine the salary paid
28 to the ~~senior and~~ administrative judge, of which the amount payable by the state to
29 city judges of the state shall be paid by the state and the remainder shall be payable

1 by the city of New Orleans. The salary of the ~~senior and~~ administrative judge shall
2 be payable monthly on his own warrant. Should the senior judge decline the position
3 of ~~senior and~~ administrative judge then the judges of the municipal and traffic court,
4 sitting en banc, shall choose a judge to assume the position.

5 §2493. Jurisdiction

6 A. The jurisdiction of the court shall extend to the trial of violations of the
7 ordinances of the city of New Orleans, including the ~~regulation~~ enforcement of
8 traffic violations within the city of New Orleans.

9 B. The jurisdiction of the courts shall further extend to the trial of violations
10 of state statutes which are not triable by a jury,² which jurisdiction shall be
11 concurrent with that of the Criminal District Court for the Parish of Orleans.

12 C. The jurisdiction of the court shall further extend to the trial of offenses
13 involving traffic and the regulation thereof punishable by state statute including
14 violations of the Criminal Code of Louisiana involving traffic and the trial of
15 violations relating to street and highway regulatory laws and such other state laws
16 as relate to the operation of a vehicle. The jurisdiction over state traffic offenses
17 shall be concurrent with the Criminal District Court for the Parish of Orleans. In
18 addition, every prosecution in the Municipal and Traffic Court of New Orleans ~~under~~
19 ~~state law~~ shall be filed in the court by affidavit or bill of information under the
20 provision of state law defining the offense and such prosecution shall be brought by
21 the city attorney of New Orleans or the district attorney for the parish of Orleans.

22 The jurisdiction of the court shall further extend to appeals by any person aggrieved
23 by an administrative hearing officer's decision concerning a traffic violation enforced
24 by the city of New Orleans' automated traffic enforcement system. Any aggrieved
25 person shall file such appeal within thirty days after the date of such decision. The
26 court shall have de novo review over such appeals. The court shall adopt rules
27 regulating the manner of taking, hearing, and deciding such appeals.

28 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §2495. Clerk of court

2 * * *

3 B. The salary of the clerk of the municipal and traffic court shall be
4 determined and set by a ~~three-fourths majority~~ of the judges of the court en banc;
5 ~~the~~ The salary shall be the same and shall be paid from the consolidated judicial
6 expense fund of the court.

7 * * *

8 §2495.1. Judicial administrator

9 A. There shall be one judicial administrator of the Municipal and Traffic
10 Court of New Orleans, who shall be appointed by the judges thereof and shall be
11 subject to removal by a majority of the judges of the court at will. The court shall
12 adopt such rules and regulations governing the functions, duties, operations, and
13 procedures of the judicial administrator's office as may be necessary. The salary and
14 benefits shall be paid by the city of New Orleans on the warrant of the chief
15 administrative judge. If the city fails to pay the salary and benefits, they may be paid
16 from the consolidated judicial expense fund of the court.

17 * * *

18 §2496.2. Expenses of municipal and traffic court

19 A. Notwithstanding any other law to the contrary, a majority of the judges
20 of the Municipal and Traffic Court of New Orleans may authorize a payment from
21 the consolidated judicial expense fund of the court to defray any expense of the court
22 including but not limited to salary supplements for any personnel as in their
23 discretion may be necessary to expedite the business and function of the court.

24 * * *

25 §2496.3. First appearance hearing officer; appointment; salary; qualifications

26 * * *

27 F. Quarters necessary for the conduct of the office of the first appearance
28 hearing officer shall be provided by ~~the governing authority of the city of New~~
29 ~~Orleans~~ or the Municipal and Traffic Court of New Orleans. The first appearance

1 hearing officer may hold hearings at the facilities where city prisoners are
2 incarcerated.

3 G. The first appearance hearing officer shall have all such powers and duties
4 not inconsistent with the constitution and laws of this state, the constitution and laws
5 of the United States, and the rules of the Municipal and Traffic Court of New
6 Orleans, and the duties assigned to the hearing officer by the judges of that court,
7 including the following powers and duties:

8 * * *

9 (3) To sign orders including issuance of peace bonds and protective
10 orders for cases triable in the Municipal and Traffic Court of New Orleans.

11 * * *

12 §2497. Deputy clerks; appointment; salaries; removal

13 A. The clerk of the Municipal and Traffic Court of New Orleans shall
14 appoint such deputies, assistants and employees as the legislature may provide as are
15 necessary for the operation of the court. ~~There shall not be less than twenty deputy~~
16 ~~clerks and other employees of the court.~~

17 * * *

18 §2498. Appeal; proceedings; record; hearing

19 A. There shall be a right of appeal in all cases from the Municipal and
20 Traffic Court of New Orleans to the criminal district court for the parish of Orleans.
21 The appeals shall be on the law and the facts and shall be ~~tried by the judge~~ reviewed
22 by the appellate division of the criminal district court to whom the appeal shall be
23 allotted upon the records made and the evidence offered in the Municipal and Traffic
24 Court of New Orleans. The criminal district court shall have general and supervisory
25 jurisdiction over the Municipal and Traffic Court of New Orleans, and may issue
26 such writs and orders as may be necessary in aid of its appellate and supervisory
27 jurisdiction.

28 B. ~~The court reporters of the court shall, in all cases, take down the~~
29 ~~testimony verbatim. The stenographic notes need not be written out unless an appeal~~

1 ~~is taken, in which case the testimony shall be written out and signed by the judge.~~
2 ~~In cases of appeal the clerk shall prepare the record for the appellate court. This will~~
3 ~~consist of the affidavit bond, testimony and every document, instrument, property~~
4 ~~or thing whatsoever in possession of the court, filed in the trial of the case, together~~
5 ~~with the ordinance or ordinances on which the prosecution is based. The clerk shall~~
6 ~~make, in duplicate, a list of each specific thing, whose correctness shall be certified~~
7 ~~to by the judges to one of the lists. This record, and all it contains, and the signed list~~
8 ~~shall then be filed with the clerk of the criminal district court who will receipt for~~
9 ~~same after signing the other list. When the appeal is taken it divests the Municipal~~
10 ~~and Traffic Court of New Orleans from all further jurisdiction in the case. The~~
11 ~~judges shall appoint a competent court reporter to take the evidence in any case in~~
12 ~~which it is necessary to do so under the law applicable to district courts, unless the~~
13 ~~parties waive the appointment of a reporter. At the request of any party, the judges~~
14 ~~shall order the transcription of the testimony taken by the court reporter. Upon~~
15 ~~completion of the renovation to the Municipal and Traffic Court of New Orleans and~~
16 ~~proper integration of technology, digital recording procedures may be used by the~~
17 ~~assigned court reporter.~~

18 C. ~~In all appeals, the appeal shall be heard by one of the judges of the~~
19 ~~criminal district court. No appeal shall be taken except when taken on the day of~~
20 ~~sentence. All appeals taken from the judgment of the Municipal and Traffic Court~~
21 ~~of New Orleans shall be by oral or written motion in open court, and they shall be~~
22 ~~returnable to the criminal district court within five days. Upon application to the~~
23 ~~appellate court, this term may, in case of necessity, be extended.~~

24 D. ~~In no case shall the appellant be responsible for any error, omission, or~~
25 ~~oversight in the record of the appeal.~~

26 §2499. Quarters, furniture, and stationery; police detail

27 The city of New Orleans shall provide suitable rooms, furniture, stationery,
28 and other operating expenses for the Municipal and Traffic Court of New Orleans,
29 ~~and the Orleans Parish Sheriff's Office, the city constable, or department of police~~

1 of the city of New Orleans shall detail, subject to such rules as it may adopt, the
2 necessary number of law enforcement officers to the court; The city of New Orleans
3 shall provide one police officer from the New Orleans Police Department for each
4 division of the Municipal and Traffic Court of New Orleans to keep order and
5 execute orders and decrees of the judges thereof.

6 * * *

7 §2500.2. Additional court costs to defray expenses

8 A.(1) ~~In all cases over which the Municipal and Traffic Court of New~~
9 ~~Orleans has jurisdiction, there shall be assessed as costs against every defendant who~~
10 ~~is convicted after trial or after he pleads guilty or who forfeits his bond a~~
11 ~~nonrefundable sum of thirty dollars, which shall be in addition to all other fines,~~
12 ~~costs, or forfeitures lawfully imposed.~~

13 (2) ~~The sums collected under Paragraph (1) of this Subsection shall be~~
14 ~~remitted to the Municipal and Traffic Court of New Orleans judicial administrator,~~
15 ~~who shall deposit the sums to the credit of the court's consolidated judicial expense~~
16 ~~fund to be used by the court to defray its expenses.~~

17 B.(1) ~~In all prosecutions in the Municipal and Traffic Court of New Orleans,~~
18 ~~including all traffic violations other than parking, there shall be taxed as costs against~~
19 ~~every defendant, who is convicted after trial or plea of guilty or nolo contendere or~~
20 ~~who forfeits his bond, the sum of five dollars, which shall be in addition to all other~~
21 ~~fines, costs, or forfeitures lawfully imposed and which shall be transmitted to the~~
22 ~~clerk of the Municipal and Traffic Court of New Orleans to be used by the court to~~
23 ~~defray its expenses.~~

24 (2) ~~The Municipal and Traffic Court of New Orleans shall by court rule~~
25 ~~provide procedures for the timely collection and accounting of the fees imposed by~~
26 ~~this Section. All fees collected under this Section shall be remitted to the municipal~~
27 ~~and traffic court judicial administrator for deposit into a special fund designated as~~
28 ~~the municipal and traffic court consolidated judicial expense fund.~~

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 600 Original

2016 Regular Session

Leger

Abstract: Amends the qualifications, salaries, and number of judgeships of the Municipal and Traffic Court of New Orleans, and provides for other changes to this consolidated court.

Present law provides for the Municipal and Traffic Court of New Orleans. (Act 845 of 2014 R.S. merged the two separate municipal and traffic courts into the one consolidated court, to become effective Jan. 1, 2017.) Provides for eight judgeships, and requires each judge candidate to have a minimum of five years experience as an attorney prior to his election and to be an elector of the parish of Orleans.

Proposed law provides for the following major changes to present law, most of which become effective on Jan. 1, 2017:

- (1) Changes the qualifications for judgeships from having five years of experience as an attorney to having eight years of experience. Also provides that judicial candidates must be domiciled in the parish of Orleans for at least two years prior to election.
- (2) Reduces the number of judgeships from 8 to 7 by abolishing either the judgeship in Division H, effective Dec. 31, 2020, or the judgeship in any other division left vacant by death, resignation, retirement, or removal. Prohibits the judges in Divisions A through D from engaging in the practice of law, and provides that the judges in Divisions E-G shall have that same prohibition, on a staggered basis.
- (3) Provides that the salary of the judges shall be equal to that of the district court judges but not more salary paid to the district court judges in Orleans Parish, payable in part by the state and the remainder to be paid by the city of New Orleans.
- (4) Provides for the appointment of ad hoc judges selected pursuant to rules of the La. Supreme Court when a judge is temporarily absent.
- (5) Provides for the clerk of court's salary to be set by the judges en banc.
- (6) Removes the automatic requirement that all testimony be taken verbatim, and provides that it be done upon request of any party.
- (7) Requires the city of New Orleans to provide one N.O.P.D. officer for each division of the court.
- (8) Requires the city of New Orleans to pay for the expenses of implementation of the consolidation in accordance with a cooperative endeavor agreement.
- (9) Repeals present law (R.S. 13:2500.1) regarding fees and provisions for the probation department of the Municipal and Traffic Court, and repeals present law (R.S. 13:2501) requiring each judge of the court to collect and remit all fines to the New Orleans city treasurer.

(Amends R.S. 13:2492(A), (B), (D), (E), and (F), 2493(A), (B), and (C), 2495(B), 2495.1(A), 2496.2(A), 2496.3(F) and (G)(3), 2497(A), 2498, 2499, and 2500.2; Repeals R.S. 13:2493(G), 2500.1, and 2501)