

2024 Regular Session

SENATE BILL NO. 185

BY SENATOR SEABAUGH

CIVIL PROCEDURE. Provides for legislative continuances or extensions. (8/1/24)

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AN ACT

To amend and reenact R.S. 13:4163(C)(1) and (D)(2) and to enact R.S. 13:4163(E)(2)(c) and (F)(3), (4), and (5), relative to civil procedure; to provide with respect to legislative continuances and extensions; to provide with respect to continuance and extension of deadlines; to provide with respect for time delays; to provide with respect to opposition to a motion for continuance or extension; to provide for attorney fees and court costs; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:4163(C)(1) and (D)(2) are hereby amended and reenacted and R.S. 13:4163(E)(2)(c) is hereby enacted to read as follows:

§4163. Ex parte motion for legislative continuance or extension of time, legislators or employees engaged in legislative or constitutional convention activities

* * *

C.(1) Such preemptory grounds are available for the continuance of any type of proceeding and the extension of any type of deadline **or legal delay** pertaining to a criminal case, civil case, or administrative proceeding, if the presence,

1 participation, or involvement of a member or employee is required in any capacity,
2 including any pretrial or post-trial legal proceeding, during:

3 * * *

4 D. * * *

5 (2)(a) A motion for ~~legislative~~ continuance or extension shall be filed at no
6 cost to a member, employee, or a client of a member or employee.

7 **(b) If a party or attorney opposes a motion for continuance or extension**
8 **of a deadline pursuant to this Section, upon motion of any party or the court**
9 **upon its own motion, shall award attorney fees and court costs payable to the**
10 **client of the member or employee by the party or attorney who opposes such**
11 **motion.**

12 E. * * *

13 (2) * * *

14 **(c) A motion for continuance or extension of a legal deadline shall be**
15 **considered timely if filed within five days prior to a hearing or proceeding on**
16 **a motion for sanctions or penalties brought by a party or attorney due to the**
17 **failure of the member or employee to comply with the legal deadline.**

18 * * *

19 F. (1) * * *

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21 **(3) The provisions of this Section shall not apply to proceedings wherein**
22 **a temporary restraining order, protective order, preliminary injunction,**
23 **permanent injunction, court-approved consent agreement resulting from an**
24 **action brought, or order issued pursuant to any of the following:**

25 **(a) R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., R.S. 46:2181**
26 **et seq., R.S. 9:361 et seq., R.S. 9:372, Children's Code Article 1564 et seq., Code**
27 **of Civil Procedure Articles 3604 and 3607.1, or peace bonds pursuant to Code**
28 **of Criminal Procedure Article 30(B).**

29 **(b) Code of Criminal Procedure Articles, including 871.1, regarding the**

extension shall be filed at no cost to the member, employee, or client of a member or employee.

Proposed law retains present law but deletes "legislative".

Proposed law provides that if a motion for continuance or extension pursuant to present law of a deadline is opposed, then the court shall award attorney fees and court costs payable to the client of the member or employee payable by the party or attorney who opposed the motion for legislative continuance or extension.

Present law (R.S. 13:4163(E)) provides the deadlines within which the court or agency shall grant the continuance or extension ex parte.

Present law (R.S. 13:4163(C)) provides that the peremptory grounds for the continuance or extension are available to and for the benefit of a legislative member or employee for continuance of any type of proceeding and for the extension of any type of deadline pertaining to a criminal case, civil case, or administrative proceeding.

Proposed law retains present law and adds that the peremptory grounds are available for any type of legal delay.

Present law (R.S. 13:4163(D)) provides that a motion for legislative continuance or extension shall be filed at no cost to the member, employee, or client of a member or employee.

Proposed law retains present law but deletes "legislative."

Proposed law provides that if a motion for continuance or extension pursuant to present law of a deadline is opposed, then the court shall award attorney fees and court costs payable to the client of the member or employee payable by the party or attorney who opposed the motion for legislative continuance or extension.

Present law (R.S. 13:4163(E)) provides the deadlines within which the court or agency shall grant the continuance or extension ex parte.

Proposed law retains present law and provides that a motion to continue or extend a legal deadline shall be timely if filed within five days prior to a hearing or proceeding on a motion for sanctions or penalties.

Proposed law (R.S. 13:4163(F)) provides that the provisions of proposed law shall not apply to proceedings wherein a temporary restraining order, protective order, preliminary injunction, permanent injunction, court-approved consent agreement resulting from an action brought, or order issued pursuant to the following present law provisions:

- (a) domestic abuse, dating violence, stalking, victims of sexual assault, post-separation family violence relief, injunction against abuse, temporary restraining orders in accordance with Title 46, Title 9, Ch.C., and C.C.P.
- (b) criminal sentencing orders, in accordance with C.Cr.P.
- (c) communications between offenders and victims, confidentiality of crime victims who are minors, in accordance with Title 46
- (d) decisions of committee on parole, in accordance with Title 15

Proposed law provides that the provisions of proposed law shall not apply to proceedings pursuant to the Domestic Violence Prevention Firearm Transfer Act and C.Cr.P. Art.1001, et seq.

Proposed law provides that the provisions of proposed law shall not apply to proceedings for writs of habeas corpus for the determination and enforcement of rights to the custody of a minor or for the release of a person in custody in which the family court has original jurisdiction.

Effective August 1, 2024.

(Amends R.S. 13:4163(C)(1) and (D)(2); adds R.S. 13:4163(E)(2)(c) and (F)(3), (4), and (5))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Makes technical amendments.
2. Provides exceptions to the legislative continuance and extension.

Proposed law retains present law and provides that a motion to continue or extend a legal deadline shall be timely if filed within five days prior to a hearing or proceeding on a motion for sanctions or penalties.

Proposed law (R.S. 13:4163(F)) provides that the provisions of proposed law shall not apply to proceedings wherein a temporary restraining order, protective order, preliminary injunction, permanent injunction, court-approved consent agreement resulting from an action brought, or order issued pursuant to the following present law provisions:

- (1) Domestic abuse, dating violence, stalking, victims of sexual assault, post-separation family violence relief, injunction against abuse, temporary restraining orders in accordance with Title 46, Title 9, Ch.C., and C.C.P.
- (2) Criminal sentencing orders, in accordance with C.Cr.P.
- (3) Communications between offenders and victims, confidentiality of crime victims who are minors, in accordance with Title 46.
- (4) Decisions of committee on parole, in accordance with Title 15.

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