
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Hanna Gettys.

DIGEST

SB 185 Reengrossed

2024 Regular Session

Seabaugh

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.

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:

- (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.

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)(intropara) 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.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.