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

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Hainkel (SB 37)

DIGEST

Present law provides for the office of commissioner for the 22nd JDC (parishes of St. Tammany and Washington) and terminates on August 15, 2002.

Proposed law repeals those provisions of present law.

Proposed law creates a new office of commissioner for the 22nd JDC and provides that the commissioner shall be selected and may be removed by a majority of the judges of the court.

Proposed law grants to the commissioner certain powers in criminal cases, which includes the following powers:

- (1) To administer oaths and affirmations.
- (2) To take acknowledgments, affidavits, and depositions.
- (3) To act on felony charges through arraignment; however, the commissioner shall not accept pleas of guilty on or sign orders disposing of felony charges.
- (4) To hear preliminary motions prior to filing the bill of information or indictment and make recommendations to the district judge.
- (5) To act on misdemeanor charges including accepting pleas in misdemeanor cases preliminary to trial on the merits and conduct evidentiary hearings of misdemeanor cases.
- (6) To fix bail.
- (7) To review probable cause affidavits within 48 hours of warrantless arrests.
- (8) To conduct 72 hour hearings.
- (9) To sign waivers of extradition only upon the written consent of the defendant and the expressed waiver of the defendant's right to have his extradition heard by a district court.
- (10) To supervise defendants sentenced under the provisions of the drug court in accordance with the policies set down by the judges of the Twenty-Second Judicial District Court.
- (11) To supervise all conditions of bail bonds.
- (12) To supervise special conditions of protective orders, domestic violence, and any other probation conditions.

Proposed law provides that when a misdemeanor case with the written consent of the defendant and the expressed waiver of the defendant's right to have his case heard by a district court judge is referred to the commissioner by rule of court or assigned to him by a judge, the commissioner shall receive all

evidence and prepare a written report of his findings containing these elements:

- (1) A statement of the pleadings.
- (2) A statement of the facts as found by the commissioner.
- (3) An opinion based on the pleadings and facts.
- (4) A judgment as he determines should be rendered with the recommendation to the judge that it be made the judgment of the court.

Proposed law requires the commissioner to file his proposed findings and recommendations with the court and a copy to be mailed to all parties or their counsel of record; grants any party 10 days to traverse the findings or recommendations in writing; authorizes the judge to set the matter for hearing on exceptions made on the record to the findings and recommendations of the commissioner; and grants to the judge the authority to accept, reject, or modify in whole or in part the findings or recommendations of the commissioner and to receive further evidence or to recommit the matter to the commissioner with further instructions.

Proposed law requires the qualifications for the office of commissioner to be the same as the qualifications for office for district court judge.

Proposed law provides that the salary of the commissioner shall be set by a majority of the elected judges of the district, but shall not exceed \$72,500 per year and authorizes the commissioner and any of his employees to be a member of the Parochial Employees' Retirement System.

Proposed law provides that the commissioner shall be a full-time employee of the district court and prohibits him from engaging in any outside business inconsistent with his duties as a judicial officer and from engaging in the practice of law.

Proposed law authorizes the 22nd JDC to be responsible for providing office space for the commissioner and requires the 22nd JDC to be responsible for his salary, related benefits, and expenses and the salaries and related benefits of his employees, and the costs of equipment and supplies of the commissioner and his employees.

Proposed law provides for funding of the office of commissioner by an imposition of an additional fee not to exceed \$100 in felony cases and \$7.50 in misdemeanor and traffic cases, as set by the judges of the court.

Effective on 8/16/02. Present law providing for the existing commissioner of the 22nd JDC terminates and is repealed on 8/15/02.

(Adds R.S. 13:721 and 722; repeals R.S. 13:719 and 720)