

Regular Session, 2011

SENATE BILL NO. 161

BY SENATOR QUINN (On Recommendation of the Louisiana State Law Institute)

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

COURTS. Dedicates judgeships in certain judicial districts with divisions limited to family or juvenile subject matter jurisdiction. (gov sig)

AN ACT

To amend and reenact R.S. 13:621.21 and 1138, and Section 1 of Act No. 873 of the 2008 Regular Session of the Legislature, and to repeal R.S. 13:1139(A), relative to courts and judicial procedure; to provide relative to district courts and district court judges; to dedicate certain judgeships in certain judicial districts and provide for divisions with certain limited or specialized subject matter jurisdiction; to provide for compensation of such judges; to provide for elections and terms of office; to provide certain terms, conditions, procedures, and requirements; to provide certain effective dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:621.21 and 1138 are hereby amended and reenacted to read as follows:

§621.21. Twenty-First Judicial District

A. The Twenty-First Judicial District Court shall have nine judges.

B. (1) The judgeship comprising Division H shall be abolished effective midnight, December 31, 2014, or at any earlier time upon such judgeship becoming vacant for any reason.

* * *

§1138. Domestic Relations ~~Section~~ Divisions

~~[Effective Date: Text of Section effective until December 31, 2014.]~~

~~A. The judges of the Civil District Court for the parish of Orleans who are in office on July 1, 1979 shall create the Domestic Relations Section of that court, by rule of court adopted on or before December 1, 1979, by the judges sitting en banc. The rule shall designate not less than two incumbent judges who shall be assigned to the Domestic Relations Section in accordance with the rules of the Civil District Court for the parish of Orleans. The Domestic Relations Section shall be assigned all cases involving domestic relations problems, including the following:~~

A.(1) The provisions of this Section shall apply to the Civil District Court for the parish of Orleans or to the Forty-First Judicial District Court, whichever is applicable, and shall supersede to the extent of conflict with any other provision of law.

(2) Two divisions of the court shall have limited or specialized subject matter jurisdiction as follows:

(a) Effective January 1, 2015, the subject matter jurisdiction of Division E shall be limited, under the provisions of Article V, Section 15(A) of the Constitution of Louisiana, to family matters as provided by law, including the domestic relations matters set forth in this Section; and additionally

(b) In any other division, the division of the first judgeship becoming

vacant for any reason on or after March 1, 2012, shall as of January 1, 2015, be limited, under the provisions of Article V, Section 15(A) of the Constitution of Louisiana, to family matters as provided by law, including the domestic relations matters set forth in this Section.

B. Domestic relations matters shall include:

(1) Actions for divorce, annulment of marriage, establishment or disavowal of paternity of children, alimony, support of children, custody by habeas corpus or otherwise, visitation rights, and all matters incidental to any of the foregoing proceedings.

(2) The issuance, modification, or dissolution of conservatory writs for the protection of community property.

~~(3) Repealed by Acts 1991, No. 976, §2.~~

~~(3)~~ (4) The issuance of writs of fieri facias and garnishment under judgments for alimony, child support, and attorney fees, partition proceedings following separation from bed and board, and partition proceedings following divorce judgments, **and suits for separation of property.**

~~B. Domestic relations problems, as used herein, shall not include tutorship proceedings and suits for separation of property.~~

C. For the purposes of this Section, family or domestic relations matters shall not include tutorship proceedings.

~~[Effective Date: Text of Section effective on December 31, 2014.]~~

~~§1138. Repealed by Acts 2008, No. 873, §1, eff. December 31, 2014.~~

Section 2. Section 1 of Act No. 873 of the 2008 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

* * *

Section 19.(A) R.S. 13:1031 through **1137, 1139 through** 1147, 1271 through 1312, 1335 through 1347, and 1381.1 through 1400 are hereby repealed in their entirety effective on ~~January 1, 2009~~ **midnight, December 31, 2014.**

* * *

1 Section 3. R.S. 13:1139(A) is hereby repealed in its entirety.

2 Section 4. The judges and their successors created by this Act shall be elected at large
3 and shall have jurisdiction throughout the applicable district. The individuals to be elected
4 to the judgeships created by this Act shall be elected for a six year term at the congressional
5 election held in 2014, and every sixth year thereafter. However, if any of the divisions
6 authorized by this Act is created earlier than January 1, 2015, the election to such division
7 shall be for a term which shall end December 31, 2014, and for six year terms thereafter.

8 Section 5. The judges and their successors created by this Act shall receive the same
9 compensation and expense allowances, payable from the same sources and in the same
10 manner, as are now or may hereafter be provided for other judges of the applicable district.
11 In the Civil District Court for the parish of Orleans, or the Forty-First Judicial District Court,
12 as applicable, the judges and their successors shall have the right to appoint a crier,
13 stenographer, and minute clerk for their own division, and shall have the same staff and
14 resources as other judges in that district court, who shall perform the same duties and receive
15 the same compensation, payable in the same manner and from the same sources, as similar
16 officials in other divisions of the court.

17 Section 6. The provisions of this Act shall not reduce the term of office or the
18 jurisdiction of any other judge of the districts affected by this Act.

19 Section 7. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
23 effective on the day following such approval.

The original instrument was prepared by Michelle Ducharme. The following
digest, which does not constitute a part of the legislative instrument, was
prepared by Ann S. Brown.

DIGEST

Quinn (SB 161)

Present law provides that the 21st Judicial District Court shall have nine judges.

Proposed law maintains nine judges in the 21st Judicial District Court by abolishing the
judgeship comprising Division H effective midnight, December 31, 2014, or at any earlier

time upon such judgeship becoming vacant for any reason and creating a new judgeship effective January 1, 2015, or at any earlier time upon the judgeship in the former Division H becoming vacant.

Proposed law requires that this new judgeship shall preside over Division J and provides that the subject matter for such division limited to family matters as provided by law. The creation of this judgeship shall not affect any other judge of the district.

Present law provides that until December 31, 2014, the judges of the Civil District Court for the parish of Orleans who are in office on July 1, 1979, shall create the Domestic Relations Section of that court, by rule of court adopted on or before December 1, 1979, by the judges sitting en banc. The rule shall designate not less than two incumbent judges who shall be assigned to the Domestic Relations Section in accordance with the rules of the Civil District Court for the parish of Orleans.

Proposed law applies to the Civil District Court for the parish of Orleans or to the 41st Judicial District Court, whichever is applicable, and shall supersede to the extent of conflict with any other provision of law.

Proposed law provides that two divisions of the court shall have limited or specialized subject matter jurisdiction.

Proposed law provides that the subject matter jurisdiction of Division E shall be limited to family matters as provided by law, including the domestic relations matter set forth in law, effective January 1, 2015.

Proposed law provides that the first judgeship becoming vacant on or after March 1, 2012 shall as of January 1, 2015, be limited to family matters as provided by law, including the domestic relations matter set forth in law.

Proposed law repeals certain provisions of present law relative to district courts in the parish of Orleans effective December 31, 2014.

Proposed law provides that the individuals to be elected to the judgeships created in proposed law shall be elected for a six year term at the congressional election held in 2014, and every sixth year thereafter. However, if any of the divisions authorized by proposed law is created earlier than January 1, 2015, the election to such division shall be for a term which shall end December 31, 2014, and for six year terms thereafter.

Proposed law provides that the judges and their successors created by proposed law shall be elected at large and shall have jurisdiction throughout the applicable district.

Proposed law provides that the judges and their successors created by proposed law shall receive the same compensation and expense allowances, payable from the same sources and in the same manner, as are now or may hereafter be provided for other judges of the applicable district. In the Civil District Court for the parish of Orleans, or the 41st Judicial District Court, as applicable, the judges and their successors shall have the right to appoint a crier, stenographer, and minute clerk for their own division, and shall have the same staff and resources as other judges in that district court, who shall perform the same duties and receive the same compensation, payable in the same manner and from the same sources, as similar officials in other divisions of the court.

Proposed law does not reduce the term of office or the jurisdiction of any other judge of the districts affected by proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:621.21 and 1138, and Section 1 of Act No. 873 of the 2008 Regular

Session of the Legislature; repeals R.S. 13:1139(A))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Removes all provisions abolishing or creating specific judgeships in Civil District Court Divisions for the parish of Orleans or to the 41st JDC.
2. Provides that two specialized subject matter divisions of the Civil District Court for the parish of Orleans or to the 41st JDC shall be effective January 1, 2015, as follows:
 - (a) Division E shall be limited to family matters as provided by law, including the domestic relations matters set forth in law.
 - (b) In any other division, the first judgeship becoming vacant on or after March 1, 2012, shall be limited to family matters as provided by law, including the domestic relations matters set forth in law.
3. Provides for the judges in the Civil District Court for the parish of Orleans or to the 41st JDC to have the same staff and resources as other judges in that district court.