

SENATE BILL NO. 161

BY SENATOR QUINN AND REPRESENTATIVES EDWARDS, SMILEY AND WHITE
(On Recommendation of the Louisiana State Law Institute)

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

1 AN ACT

2 To amend and reenact R.S. 13:621.21 and 1138, and Section 19(A) of Act No. 621 of the
3 2006 Regular Session of the Legislature as amended and reenacted by Section 1 of
4 Act No. 873 of the 2008 Regular Session of the Legislature, and to repeal R.S.
5 13:1139(A), relative to courts and judicial procedure; to provide relative to district
6 courts and district court judges; to dedicate certain judgeships in certain judicial
7 districts and provide for divisions with certain limited or specialized subject matter
8 jurisdiction; to provide for compensation of such judges; to provide for elections and
9 terms of office; to provide certain terms, conditions, procedures, and requirements;
10 to provide certain effective dates; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

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

14 §621.21. Twenty-First Judicial District

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

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

19 (2) There is hereby created a new judgeship effective January 1, 2015,
20 or at any earlier time upon the judgeship in the former Division H becoming
21 vacant. This judge and his successors shall preside over Division J, which is
22 hereby created for purposes of nomination, election, and subject matter. The
23 subject matter jurisdiction of Division J is limited, under the provisions of

1 Article V, Section 15(A) of the Constitution of Louisiana, to family matters as
2 provided by law. The jurisdiction of any other judge of the district shall not be
3 affected by the creation of this judgeship.

4 * * *

5 §1138. Domestic Relations ~~Section~~ Divisions

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

14 B.(1) The first two judgeships becoming vacant by death, resignation,
15 retirement, or removal on or after August 15, 2011 shall be abolished and two
16 new judgeships shall be created and limited, pursuant to the provisions of
17 Article V, Section 15(A) of the Constitution of Louisiana, to family matters as
18 provided by law, including the domestic relations matters provided for in
19 Subsection C of this Section.

20 (2) The provisions of this Section shall not apply to Divisions B and E
21 unless there is a vacancy in one or both of those divisions on or after February
22 1, 2012.

23 (3) Upon creation of the judgeships provided in Paragraph (1) of this
24 Subsection, those judgeships shall be designated as Domestic Sections 1 and 2.

25 C.(1) Domestic relations matters shall include:

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

30 ~~(2)~~(b) The issuance, modification, or dissolution of conservatory writs for

1 the protection of community property.

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

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

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

9 **(2) For the purposes of this Subsection, family or domestic relations**
10 **matters shall not include tutorship proceedings.**

11 **D. The provisions of this Section shall apply to the Civil District Court**
12 **for the parish of Orleans or to the Forty-First Judicial District Court,**
13 **whichever is applicable, and shall supersede to the extent of conflict with any**
14 **other provision of law.**

15 Section 2. Section 19(A) of Act No. 621 of the 2006 Regular Session of the
16 Legislature, as amended and reenacted by Section 1 of Act No. 873 of the 2008 Regular
17 Session of the Legislature, is hereby amended and reenacted to read as follows:

18 * * *

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

22 * * *

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

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

30 Section 5. The judges and their successors created by this Act shall receive the same

1 compensation and expense allowances, payable from the same sources and in the same
 2 manner, as are now or may hereafter be provided for other judges of the applicable district.
 3 In the Civil District Court for the parish of Orleans, or the Forty-First Judicial District Court,
 4 as applicable, the judges and their successors shall have the right to appoint a crier,
 5 stenographer, and minute clerk for their own division, and shall have the same staff and
 6 resources as other judges in that district court, who shall perform the same duties and receive
 7 the same compensation, payable in the same manner and from the same sources, as similar
 8 officials in other divisions of the court.

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____