

Regular Session, 2013

HOUSE BILL NO. 169

BY REPRESENTATIVE MACK

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

JUDGES/DISTRICT: Provides for the abolishment and creation of judgeships in certain judicial districts

1 AN ACT

2 To amend and reenact R.S. 13:621.21(B) and to enact R.S. 13:621.21(C), (D), (E), and (F),
3 relative to district court judgeships in the Twenty-First Judicial District Court; to
4 abolish a judgeship in the Twenty-First Judicial District Court and to provide for the
5 creation of a new judgeship; to provide for limited subject matter jurisdiction; to
6 provide for effective dates; to provide election requirements and terms of office; to
7 provide for compensation and expense allowances; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 13:621.21(B) is hereby amended and reenacted and R.S.
11 13:621.21(C), (D), (E), and (F) are hereby enacted to read as follows:

12 §621.21. Twenty-First Judicial District

13 * * *

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

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

1 of Division J is limited, under the provisions of Article V, Section 15(A) of the
2 Constitution of Louisiana, to family and juvenile matters as provided by law. For
3 purposes of this Subsection, "family matters" shall include all actions arising under
4 Titles V and VII of Book I and Title VI of Book III of the Louisiana Civil Code,
5 adoptions arising under the Louisiana Civil Code and the Louisiana Children's Code,
6 actions involving protection from family violence pursuant to R.S. 46:2131 et seq.,
7 and actions for enforcement, collection of support, and paternity pursuant to R.S.
8 46:236.5. The jurisdiction or term of office of any other judge of the district shall
9 not be affected or reduced by the creation of this judgeship.

10 (3) For the purposes of this Subsection, a vacancy shall be created by death,
11 resignation, retirement, or any other reason.

12 C.(1) The judgeship comprising of Division G shall be abolished effective
13 midnight, December 31, 2014.

14 (2) There is hereby created a new judgeship effective January 1, 2015. The
15 judge and his successors shall preside over Division K, which is hereby created for
16 purposes of nomination, election, and subject matter. The subject matter jurisdiction
17 of Division K is limited, under the provisions of Article V, Section 15(A) of the
18 Constitution of Louisiana, to family and juvenile matters as provided by law. For
19 purposes of this Subsection, "family matters" shall include all actions arising under
20 Titles V and VII of Book I and Title VI of Book III of the Louisiana Civil Code,
21 adoptions arising under the Louisiana Civil Code and the Louisiana Children's Code,
22 actions involving protection from family violence pursuant to R.S. 46:2131 et seq.,
23 and actions for enforcement, collection of support, and paternity pursuant to R.S.
24 46:236.5. The jurisdiction or term of office of any other judge of the district shall
25 not be affected or reduced by the creation of this judgeship.

26 D.(1) Should a vacancy occur prior to December 31, 2014, in Division G or
27 H, the judges of the Twenty-First Judicial District may, by en banc order, assign and
28 transfer all family matters as provided by law to either or both divisions wherein
29 there is a vacancy, through December 31, 2014.

1 (2) For the purposes of this Subsection, a vacancy shall be created by death,
2 resignation, retirement, or any other reason.

3 E. The judges and their successors created by this Section shall be elected
4 at large and shall have jurisdiction throughout the district. The judges shall be
5 elected for a six-year term at the congressional election held in 2014 and every sixth
6 year thereafter.

7 F. The judges and their successors created by this Section shall receive the
8 same compensation and expense allowances, payable from the same sources and in
9 the same manner, as are provided for other judges of the Twenty-First Judicial
10 District.

11 Section 2. 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.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Mack

HB No. 169

Abstract: Provides for the abolishment of a judgeship and the creation of a new judgeship in the 21st Judicial District Court for family and juvenile matters and provides for its jurisdiction, elections, and term of office.

Present law provides for the creation of a new judgeship on Jan. 1, 2015, or when the former Division H becomes vacant. Further provides that the judge and his successors shall preside over Division J, and the subject matter jurisdiction of Division J shall be limited to family matters as provided by law. Further prevents the jurisdiction of any other judge of the district from being affected by the creation of the judgeship.

Proposed law removes the provision which allows for the creation of a new judgeship when the former Division H becomes vacant. Proposed law further adds juvenile matters to the subject matter jurisdiction for Division J and prevents the reduction of term of office for any other judge of the district.

Proposed law provides for the creation of a vacancy by death, resignation, retirement, or any other reason.

Proposed law requires the judgeship comprising of Division G to be abolished on midnight on Dec. 31, 2014.

Proposed law provides for the creation of a new judgeship effective Jan. 1, 2015, to preside over Division K with limited subject matter jurisdiction over family and juvenile matters as provided by law. Further prevents the jurisdiction or term of office of any other judge from being reduced or affected by the new judgeship.

Proposed law authorizes the judges on the 21st JDC, by en banc order, to assign and transfer all family matters in Division G or H, should a vacancy occur in either division prior to Dec. 31, 2014.

Proposed law provides for the creation of a vacancy by death, resignation, retirement, or any other reason.

Proposed law requires the judges to be elected at large for a six-year term at the congressional election held in 2014 and every sixth year thereafter.

Proposed law requires the judges and their successors to receive the same compensation and expense allowances from the same sources and in the same manner as the other judges in the 21st JDC.

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

(Amends R.S. 13:621.21(B); Adds R.S. 13:621.21(C), (D), (E), and (F))