

Regular Session, 2014

SENATE BILL NO. 232

BY SENATOR MILLS

COURTS. Provides relative to deputy constables. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 13:2583.1(A) and (C), 2583.2(A) and (B), 2583.3(A), 2583.4(A)
3 and (B), 2583.5(A) and (B) and to enact R.S. 13:2583.6, relative to constables; to
4 require certain training; to provide relative to the filing of certain oaths of office; to
5 authorize a constable of a justice of the peace court in St. Martin Parish to appoint
6 a deputy; to provide for compensation; to provide for qualifications of office; to
7 provide for residency requirements; to provide for prohibitions; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 13:2583.1(A) and (C), 2583.2(A) and (B), 2583.3(A), 2583.4(A) and
11 (B), 2583.5(A) and (B) are hereby amended and reenacted and R.S. 13:2583.6 is hereby
12 enacted to read as follows:

13 §2583.1. Deputies; oath; compensations

14 A. Each duly elected constable of a justice of the peace court in East Baton
15 Rouge Parish and Jefferson Parish may appoint as many deputy constables as
16 necessary for whose acts he shall be responsible. The deputies before entering upon
17 their duties, shall take the oath required by the constitution and the laws of this state

1 and meet the requirements of R.S. 40:2402 through 2406. **A duplicate copy of the**
2 **oath of office shall be filed with the office of the attorney general within seventy-**
3 **two hours after being administered.** Any deputy constable appointed pursuant to
4 this Section shall not be entitled to any compensation from any local governing body
5 or political subdivision, other than the constable's office, and shall not be entitled to
6 any compensation from the state. Each constable may fix the compensation of his
7 deputies and clerical forces. He shall pay from the fees generated by his office the
8 compensation due all deputies and clerical assistants, the premiums on bonds
9 required by him of any deputy in charge of public funds, insurance premiums, if
10 provided, and any and all other expenses of any nature whatsoever necessary for the
11 performance of all duties required of the deputy. He shall issue monthly or twice per
12 month, at his discretion, to employees and deputies warrants or checks for the
13 amounts due them.

14 * * *

15 C. The deputy constables authorized by this Section shall have the same
16 qualifications **and training** as required by law of the constable of the justice of the
17 peace court. The deputy constable need not be a resident of the ward from which the
18 constable is elected, but he must be a resident of the parish within which the ward
19 is located.

20 * * *

21 §2583.2. Deputies; oath; compensations; Union Parish

22 A. Each duly elected constable of a justice of the peace court in Union Parish
23 may appoint one deputy constable, if necessary, for whose acts the constable shall
24 be responsible. Before entering upon his duties, each deputy shall take the oath
25 required by the constitution and the laws of this state **and meet the requirements**
26 **of R.S. 40:2402 through 2406. A duplicate copy of the oath of office shall be**
27 **filed with the office of the attorney general within seventy-two hours after being**
28 **administered.** Any deputy constable appointed pursuant to this Section shall not be
29 entitled to any compensation from any local governing body or political subdivision,

1 other than the constable's office, and shall not be entitled to any compensation from
2 the state. Each constable may fix the compensation of his deputy. He shall pay from
3 the fees generated by his office the compensation due the deputy, the premiums on
4 bonds required by him of a deputy in charge of public funds, insurance premiums,
5 if provided, and any and all other expenses of any nature whatsoever necessary for
6 the performance of all duties required of the deputy. He shall issue monthly or twice
7 per month, at his discretion, to the deputy warrants or checks for the amounts due
8 him.

9 B. Each deputy constable authorized by this Section shall have the same
10 qualifications **and training** as required by law for a constable of a justice of the
11 peace court. The deputy constable need not be a resident of the ward from which the
12 constable is elected, but he must be a resident of Union Parish.

13 * * *

14 §2583.3. Deputies; oath; compensations; Caddo Parish

15 A. Each duly elected constable of a justice of the peace court in Caddo Parish
16 may appoint one or more deputy constables, if necessary, for whose acts the
17 constable shall be responsible. Before entering upon his duties, each deputy shall
18 take the oath required by the constitution and the laws of this state **and meet the**
19 **requirements of R.S. 40:2402 through 2406. A duplicate copy of the oath of**
20 **office shall be filed with the office of the attorney general within seventy-two**
21 **hours after being administered.** Any deputy constable appointed pursuant to this
22 Section shall not be entitled to any compensation from any local governing body or
23 political subdivision, other than the constable's office, and shall not be entitled to any
24 compensation from the state. Each constable may fix the compensation of his deputy
25 or deputies. He may pay from the fees generated by his office any compensation due
26 to a deputy, the premiums on bonds required by him of a deputy in charge of public
27 funds, insurance premiums, and any expenses necessary for the performance of
28 duties required of a deputy. He may issue monthly or twice per month, at his
29 discretion, warrants or checks for the amounts due to a deputy.

A. Each duly elected constable of a justice of the peace court in Ascension Parish may appoint one deputy constable, if necessary, for whose acts the constable shall be responsible. Before entering upon his duties, each deputy shall take the oath required by the constitution and the laws of this state **and meet the requirements of R.S. 40:2402 through 2406. A duplicate copy of the oath of office shall be filed with the office of the attorney general within seventy-two hours after being administered.** Any deputy constable appointed pursuant to this Section shall not be entitled to any compensation from any local governing body or political subdivision, other than the constable's office, and shall not be entitled to any compensation from the state. Each constable may fix the compensation of his deputy. He may pay from the fees generated by his office any compensation due the deputy, the premiums on bonds required by him of a deputy in charge of public funds, insurance premiums, and any expenses necessary for the performance of duties required of the deputy. He may issue monthly or twice per month, at his discretion, to the deputy warrants or checks for the amounts due him.

B. Each deputy constable authorized by this Section shall have the same qualifications **and training** as required by law for a constable of a justice of the peace court. The deputy constable need not be a resident of the ward from which the constable is elected, but he must be a resident of Ascension Parish.

A. Each duly elected constable of a justice of the peace court in Calcasieu Parish may appoint one deputy constable, if necessary, for whose acts the constable shall be responsible. Before entering upon his duties, each deputy shall take the oath required by the constitution and the laws of this state **and meet the requirements of R.S. 40:2402 through 2406. A duplicate copy of the oath of office shall be filed with the office of the attorney general within seventy-two hours after being**

B. Each deputy constable authorized by this Section shall have the same qualifications **and training** as required by law for a constable of a justice of the peace court. The deputy constable need not be a resident of the ward from which the constable is elected, but he must be a resident of Calcasieu Parish.

§2583.6. Deputies; oath; compensation; St. Martin Parish

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Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1 **may issue monthly or twice per month, at his discretion, to the deputy warrants**
 2 **or checks for the amounts due him.**

3 **B. The deputy constable authorized by this Section shall have the same**
 4 **qualifications and training as required by law for a constable of a justice of the**
 5 **peace court. However, a deputy constable need not be a resident of the ward**
 6 **from which the constable is elected, but he must be a resident of St. Martin**
 7 **Parish.**

8 **C. The provisions of this Section shall have no effect on nor limit the**
 9 **authority of a justice of the peace to appoint a special deputy constable pursuant**
 10 **to R.S. 13:3477.**

The original instrument was prepared by Michael Bell. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Cathy R. Wells.

DIGEST

Mills (SB 232)

Present law relative to deputy constables in the parishes of Ascension, Caddo, Calcasieu, East Baton Rouge, Jefferson, and Union, requires each such deputy constable to take an oath of office before entering upon their duties.

Proposed law retains present law and requires a copy of the oath of office to be filed with the office of the attorney general within 72 hours after the oath is administered.

Present law requires such deputy constables to have the same qualifications as is required by law for constables of the justice of the peace courts.

Proposed law retains present law and requires such deputy constables to have the same training as is required by law for constables of justice of the peace courts.

Proposed law authorizes each duly elected constable of a justice of the peace court in St. Martin Parish to appoint and to fix the compensation of one deputy constable, for whose acts the constable shall be responsible.

Proposed law requires a copy of the oath of office to be filed with the office of the attorney general within 72 hours after the oath is administered.

Present law requires such deputy constables in St. Martin Parish to have the same qualifications as is required by law for constables of the justice of the peace courts.

Proposed law requires each deputy constable to have the same qualifications and training as required by law for a constable of a justice of the peace court and be a resident of St. Martin Parish.

Proposed law prohibits such deputy constable from being paid any compensation from any local governing body or political subdivision, other than the constable's office, and provides that such deputy constable shall not be entitled to any compensation from the state.

Effective August 1, 2014.

(Amends R.S. 13:2583.1(A) and (C), 2583.2(A) and (B), 2583.3(A), 2583.4(A) and (B), and 2583.5(A) and (B); adds R.S. 13:2583.6)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Adds provisions relative to deputy constables in the parishes of Ascension, Caddo, Calcasieu, East Baton Rouge, Jefferson, and Union.
2. Limits to one the number of deputy constables that may be appointed for each constable of a justice of the peace court in St. Martin Parish.

Senate Floor Amendments to engrossed bill

1. Requires deputy constables in St. Martin Parish to have the same training as required by law for a constable of a justice of the peace court and requires a copy of the oath of office to be filed with the office of the attorney general within 72 hours after the oath is administered.
2. Makes technical corrections.