

2015 Regular Session

SENATE BILL NO. 237

BY SENATOR MURRAY

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

COURTS. Provides for the jurisdictional limitation of certain city courts and the authority of constables of the First and Second City Court of New Orleans and their deputies. (gov sig)

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 4843 (C) and (E) and R.S. 13:1311,

3 2154, and 2163, relative to courts of limited jurisdiction; to provide relative to the

4 civil jurisdiction concurrent with the district court in cases where the amount in

5 dispute, or the value of the property involved, does not exceed certain amounts; to

6 provide for the jurisdictional amount in dispute in certain city courts; to provide for

7 the jurisdictional amount in dispute in the City Court of Ville Platte; to provide for

8 the powers and duties of the constables of the First and Second City Courts of New

9 Orleans and the exemption from liability for the actions of the constables and their

10 deputies; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Code of Civil Procedure Article 4843 (C) and (E) are hereby amended and
13 reenacted to read as follows:

14 Art. 4843. City court jurisdiction; amount in dispute; injunctive actions by state or
15 political subdivision

16 * * *

17 C. In the City Court of Bossier City, ~~the City Court of Ville Platte~~, and any

1 city court in which the population of the territorial jurisdiction is less than fifty
 2 thousand, except as otherwise specifically provided by law, the civil jurisdiction is
 3 concurrent with the district court in cases where the amount in dispute, or the value
 4 of the property involved, does not exceed fifteen thousand dollars.

5 * * *

6 E. In the City Court of Bogalusa, the City Court of Bunkie, the City Court of
 7 Eunice, the City Court of Lake Charles, the City Court of Marksville, the City Court
 8 of Natchitoches, a city court in New Orleans, the City Court of Opelousas, the City
 9 Court of Port Allen, the City Court of Sulphur, **the City Court of Ville Platte**, and
 10 the City Court of Winnsboro, the civil jurisdiction is concurrent with the district
 11 court in cases where the amount in dispute, or the value of the property involved,
 12 does not exceed twenty-five thousand dollars.

13 * * *

14 Section 2. R.S. 13:1311, 2154, and 2163 are hereby amended and reenacted to read
 15 as follows:

16 §1311. Sheriff, constables, and deputies; powers of peace officers; exemption from
 17 liability

18 **A.** The sheriff for the parish of Orleans ~~and the constables of the First and~~
 19 ~~Second City Courts of New Orleans and their~~ **his** deputies; are hereby granted the
 20 powers of peace officers when carrying out the duties of the court, and are authorized
 21 to require incarceration of the subject involved in any of the city, parish or state
 22 prisons, precinct stations, or houses of detention in the parish of Orleans. They shall
 23 be exempt from liability for their actions in the exercise of this power in the same
 24 manner and fashion as liability is excluded generally for peace officers of this state
 25 and political subdivisions.

26 **B. The constables of the First and Second City Courts of New Orleans**
 27 **and their deputies are hereby granted the powers of peace officers when acting**
 28 **under the direction and control of the constables and when carrying out the**
 29 **duties of the court, and are authorized to require incarceration of the subject**

1 involved in any of the city, parish or state prisons, precinct stations, or houses
 2 of detention in the parish of Orleans. They shall be exempt from liability for
 3 their actions in the exercise of this power in the same manner and fashion as
 4 liability is excluded generally for peace officers of this state and political
 5 subdivisions.

6 * * *

7 §2154. Powers of clerks and constables; constables of First and Second City
 8 Courts of New Orleans

9 A. In civil matters, the clerks and constables of the city courts of New
 10 Orleans have the same powers and duties as provided by the applicable provisions
 11 of law for clerks and marshals of city courts generally.

12 B.(1) Notwithstanding any provision of law to the contrary, the
 13 constables of the First and Second City Courts of New Orleans and their
 14 deputies, under the direction and control of the constables, shall have the same
 15 power to make arrests in and upon the property within the jurisdiction of the
 16 constables' offices and shall have all the powers of sheriffs as a peace officer in
 17 all places and on all premises under the jurisdiction and control of the
 18 constables, including execution of the mandates of the court.

19 (2) Any person arrested by a deputy of the constables shall be forthwith
 20 surrendered or delivered to the sheriff of the parish of Orleans. However, this
 21 shall in no way prevent the New Orleans city police or the sheriff of the parish
 22 of Orleans or a deputy thereof from making arrests.

23 (3) The constables shall make rules and regulations for the conduct,
 24 management, and control of their deputies and shall from time to time enlarge,
 25 modify, or change such rules and regulations in their discretion.

26 * * *

27 §2163. Sheriff, constables, and deputies; powers of peace officers; exemption from
 28 liability

29 A. The ~~civil~~ sheriff for the parish of Orleans ~~and the constables of the First~~

1 ~~and Second City Courts of New Orleans and their~~ **his** deputies, are hereby granted
 2 the powers of peace officers when carrying out the duties of the court, and are
 3 authorized to require incarceration of the subject involved in any of the city, parish
 4 or state prisons, precinct stations, or houses of detention in the parish of Orleans.
 5 They shall be exempt from liability for their actions in the exercise of this power in
 6 the same manner and fashion as liability is excluded generally for peace officers of
 7 this state and political subdivisions.

8 **B. The constables of the First and Second City Courts of New Orleans**
 9 **and their deputies are hereby granted the powers of peace officers when acting**
 10 **under the direction and control of the constables and when carrying out the**
 11 **duties of the court, and are authorized to require incarceration of the subject**
 12 **involved in any of the city, parish or state prisons, precinct stations, or houses**
 13 **of detention in the parish of Orleans. They shall be exempt from liability for**
 14 **their actions in the exercise of this power in the same manner and fashion as**
 15 **liability is excluded generally for peace officers of this state and political**
 16 **subdivisions.**

17 Section 3. This Act shall become effective upon signature by the governor or, if not
 18 signed by the governor, upon expiration of the time for bills to become law without signature
 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 21 effective on the day following such approval.

The original instrument was prepared by Angela Lockett De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas L. Tyler.

DIGEST

SB 237 Reengrossed 2015 Regular Session Murray

Present law relative to courts of limited jurisdiction provides that in the City Court of Bossier City, the City Court of Ville Platte, and any city court in which the population of the territorial jurisdiction is less than fifty thousand, except as otherwise specifically provided by law, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed \$15,000.

Present law further provides that in the City Court of Bogalusa, the City Court of Bunkie, the City Court of Eunice, the City Court of Lake Charles, the City Court of Marksville, the

City Court of Natchitoches, a city court in New Orleans, the City Court of Opelousas, the City Court of Port Allen, the City Court of Sulphur, and the City Court of Winnsboro, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed \$25,000.

Present law also provides that in the City Court of Abbeville, the City Court of Baker, the City Court of Baton Rouge, the City Court of Kaplan, the City Court of Leesville, the City Court of Minden, the City Court of Plaquemine, the City Court of Shreveport, the City Court of Springhill, and the City Court of Zachary, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed \$35,000.

Proposed law retains these provisions except as to the City Court of Ville Platte and provides that the City Court of Ville Platte has civil jurisdiction concurrent with the district court in cases where the amount in dispute, or the value of the property involved does not exceed \$25,000.

Present law provides that the sheriff of the parish of Orleans and the constables of the First and Second City Courts of New Orleans and their deputies are granted the powers of peace officers, including requirement of incarceration of subjects and exemption from liability for official actions.

Proposed law provides that the constables of the First and Second City Court of New Orleans and their deputies be granted the powers of peace officers when acting under the discretion and control of the constables and when carrying out the duties of the court, and are authorized to require incarceration of the subject involved in any of the city, parish or state prisons, precinct stations, or houses of detention in the parish of Orleans. Provides that they be exempt from liability for their actions in the exercise of this power in the same manner and fashion as liability is excluded generally for peace officers of this state and political subdivisions.

Present law provides that in civil matters, the clerks and constables of the city courts of New Orleans have the same powers and duties as provided by the applicable provisions of law for clerks and marshals of city courts generally.

Proposed law retains present law and adds that the constables of the First and Second City Court of New Orleans and their deputies, under the discretion and control of the constable, shall have the same power to make arrests, in and upon the property within the jurisdiction of the constables' offices and shall have all the powers of sheriffs as a peace officer in all places and on all premises under the jurisdiction and control of the constable, as well as to execute the mandates of the court. Further requires that any person arrested by a deputy of the constable be forthwith surrendered or delivered to the sheriff of the parish of Orleans and that this shall not prevent the New Orleans city police or the sheriff of the parish of Orleans or a deputy from making arrests. Requires that the constable make rules and regulation for the conduct, management, and control of their deputies and may from time to time enlarge, modify, or change such rules and regulations.

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

(Amends C.C.P. Art. 4843(C) and (E) and R.S. 13:1311, 2154, and 2163)

Summary of Amendments Adopted by Senate

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

1. Added changing City Court of Ville Platte jurisdiction from \$15K to \$25K.

2. Modified changing jurisdiction of a city court in New Orleans from \$25K to \$35K instead of \$50K.
3. Added provisions relative to constables.

Senate Floor Amendments to engrossed bill

1. Expands application of proposed law to the constable of the Second City Court of New Orleans.