

2016 Regular Session

SENATE BILL NO. 42

BY SENATOR RISER

COURTS. Abolishes the City Court of Winnsboro and establishes the Mayor's Court for the City of Winnsboro. (1/1/17)

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AN ACT

To amend and reenact Code of Civil Procedure Art. 4843(E), to enact R.S. 33:455 and to repeal R.S. 13:1899(E) and 2115, relative to courts; to abolish the City Court of Winnsboro and the offices thereof; to establish the Mayor's Court for the City of Winnsboro; to provide effective dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:455 is hereby enacted to read as follows:

§455. Mayor's court, Winnsboro; establishment; jurisdiction

A. Effective January 1, 2017, there is established the Mayor's Court of the City of Winnsboro, the territorial jurisdiction of which shall extend throughout the city.

B. Except as provided in Subsection C of this Section, the general provisions of R.S. 33:441 and 442 shall be applicable to and shall govern and regulate the Mayor's Court of the City of Winnsboro and its officers.

C. A magistrate shall preside over the mayor's court. Upon request of the mayor, the board of aldermen of the city of Winnsboro shall appoint an attorney as a magistrate who shall serve at the pleasure of the mayor. As

The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Benjamin A. Huxen, II.

DIGEST

SB 42 Engrossed

2016 Regular Session

Riser

Present law provides for the City Court of Winnsboro. Provides that in all criminal matters, including traffic violations, in addition to the costs otherwise provided by present law, and in addition to the fine or other penalty which may be legally imposed against every defendant who is convicted after trial or after a plea of guilty or who forfeits his bond, the judge of the city court may assess a sum not to exceed five dollars as additional costs of court, the proceeds from which shall be used to defray operational expenses of the court, as may be approved by said judge.

Further provides that when a surplus of filing fees and costs or unclaimed fees and costs has accumulated in the court's civil fee account and the surplus or unclaimed fees and costs have remained unclaimed for a period of three years or more, the judge of the court may transfer the amount of the surplus or the amount of the unclaimed fees and costs to the general operational fund of the court. This provision does not affect the payment of civil fees to which the judge is entitled pursuant to present law nor affect any claim or right granted to a claimant by the Uniform Unclaimed Property Act.

Proposed law repeals present law.

Proposed law creates the Mayor's Court of the City of Winnsboro with territorial jurisdiction throughout the city. Provides that present law applicable to mayor's court shall govern and regulate the court and its officers. Provides, at the request of the mayor, for the appointment of an attorney as magistrate who shall serve at the pleasure of the mayor and receive a salary fixed and paid by the board.

Proposed law requires that all matters pending in the city court on December 31, 2016 be transferred to the Fifth Judicial District Court effective January 1, 2017. However, this transfer shall not be construed so as to diminish or void the orders or judgments rendered by the city court, nor to permit the modification, set-aside, nullification or avoidance of such judgments and orders, except as provided by law.

Effective January 1, 2017.

(Amends C.C.P. Art. 4843(E); adds R.S. 33:455 and repeals R.S. 13:1899(E) and 2115)

Summary of Amendments Adopted by Senate

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

1. Deletes reference to the City Court of Winnsboro in Code of Civil Procedure Art. 4843(E).
2. Provides that upon the request of the mayor, the board of aldermen shall appoint an attorney who shall serve as magistrate at the pleasure of the mayor and receive a salary fixed and paid by the board.