

SENATE BILL NO. 625

BY SENATOR MURRAY

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AN ACT

To amend and reenact Sections 19, 21(C), 22, and 30 of Act No. 621 of the 2006 Regular Session of the Legislature and R.S. 13:751.1(A)(2), to enact R.S. 9:203(E)(6), and to repeal R.S. 13:621.42(G)(2), relative to the civil and criminal district courts in and for Orleans Parish; to provide relative to consolidation of certain courts; to provide relative to the Forty-First Judicial Court; to provide for authority of judges of certain district courts of the United States to perform a marriage ceremony for a specific period of time; to provide relative to judges and magistrates and their duties and offices; to provide terms, conditions, and procedures; to provide for an effective date; to repeal certain provisions relative to the consolidation of the clerks of the civil and criminal district courts and the civil and criminal sheriffs, all of the parish of Orleans; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Sections 19, 21(C), 22, and 30 of Act No. 621 of the 2006 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

Section 19.(A) R.S. 13:1031 through 1147, 1271 through 1312, 1335 through 1347, and 1381.1 through 1400 are hereby repealed in their entirety effective on ~~January 1, 2009~~ **May 3, 2010**.

1 (B) R.S. 13:1211 through 1212.1, 1371 through 1372, 1377, and 1381 are
2 hereby repealed in their entirety on the date that the clerk of the Forty-First Judicial
3 District Court takes office.

4 (C) Notwithstanding any other provision of law to the contrary in this
5 Act, when the Forty-First Judicial District Court comes into existence, the
6 judges elected to the Civil District Court for the parish of Orleans, the judges
7 elected to the Criminal District Court for the parish of Orleans, and the
8 magistrate judge shall finish the term of office for which they were elected , as
9 judges of the Forty-First Judicial District Court.

10 * * *

11 Section 21. * * *

12 (C) Section 2 of this Act shall become effective on ~~January 1, 2009~~ May 3,
13 2010.

14 Section 22. Except as provided in Sections 21 and 28 of this Act, the
15 provisions of Section 2 of this Act shall become effective on ~~January 1, 2009~~ May
16 3, 2010, ~~except that the provisions of R.S. 13:621.41 and 714.1 shall be effective for~~
17 ~~purposes of qualifying and election of judges and magistrate of the Forty-First~~
18 ~~Judicial District Court to be held at the congressional election to be held in 2008.~~

19 * * *

20 Section 30. The provisions of R.S. 13:751.4 and 841.3 of Section 2 of this
21 Act shall become effective upon signature by the governor, or if not signed by the
22 governor, upon expiration of the time for bills to become law without signature by
23 the governor, as provided by Article III, Section 18 of the Constitution of Louisiana.
24 Until a single clerk for the Forty-First Judicial District Court is elected, the clerk
25 shall mean the clerk of the Civil District Court and the clerk of the Criminal District
26 Court. All fees and costs assessed or collected by the clerk of Civil District Court
27 or the clerk of the Criminal District Court for the parish of Orleans in effect on the
28 effective date of this Section are continued and shall be assessed and collected in
29 accordance with these provisions. On or after ~~January 1, 2009~~ May 3, 2010, the
30 sixty percent in R.S. 13:841.3 may be renegotiated by the clerk and chief judge of

1 the Forty-First Judicial District Court, but shall not be reduced below fifty percent
2 of the civil filing fees collected by the clerk.

3 Section 2. R.S. 9:203(E)(6) is hereby enacted to read as follows:

4 §203. Officiant; judges and justices of the peace

5 * * *

6 E.

7 * * *

8 **(6) A judge of a district court of the United States whose official duty**
9 **station includes a municipality having a population in excess of four hundred**
10 **seventy thousand according to the latest decennial census may perform**
11 **marriage ceremonies within his official duty station. The authority granted by**
12 **this Paragraph shall only be effective from November 1, 2008, through**
13 **November 30, 2008.**

14 Section 3. R.S. 13:751.1(A)(2) is hereby amended and reenacted to read as follows:

15 §751.1. Clerk of the Forty-First Judicial District Court

16 A.

17 * * *

18 (2) Beginning on the date that the judges elected to serve on the Forty-First
19 Judicial District Court take office on ~~January 1, 2009~~ **May 3, 2010**, and until such
20 date as provided in Subsection B of this Section, the clerk of court for the Civil
21 District Court for the parish of Orleans shall serve as the clerk for the Forty-First
22 Judicial District Court, Civil Section, and the clerk of court for the Criminal District
23 Court for the parish shall serve as the clerk for the Forty-First Judicial District Court,
24 Criminal Section.

25 * * *

26 Section 4. **A. The judges elected to take office on January 1, 2009, and presiding**
27 **over Divisions A through N of the Civil District Court for the parish of Orleans shall**
28 **continue to preside over those divisions until May 3, 2010, at which time they shall**
29 **preside over Divisions A through N of the Forty-First Judicial District Court. The**
30 **judges shall continue to serve until the thirty-first day of December of the year in which**

1 their terms expire.

2 B. The judges elected to take office on January 1, 2009, and presiding over
3 Sections A through L of the Criminal District Court for the parish of Orleans shall
4 continue to preside over those sections until May 3, 2010, at which time they shall
5 preside over Divisions O through Z of the Forty-First Judicial District Court. The
6 judges shall continue to serve until the thirty-first day of December of the year in which
7 their terms expire.

8 C. The magistrate judge elected to take office on January 1, 2009, and presiding
9 over the magistrate section of the Criminal District Court for the parish of Orleans
10 shall continue to preside over that magistrate section until May 3, 2010, at which time
11 he shall preside over the magistrate division of the Forty-First Judicial District Court.
12 The magistrate judge shall continue to serve until the thirty-first day of December of
13 the year in which his term expires.

14 D. The four magistrate commissioners appointed to the Criminal District Court
15 for the parish of Orleans shall continue to preside in those magistrate commissioner
16 sections until May 3, 2010, at which time they shall preside in the magistrate
17 commissioner divisions of the Forty-First Judicial District Court. The magistrate
18 commissioners shall continue to serve until the thirtieth day of June of the year in
19 which their terms expire.

20 Section 5.A. The clerk of the Forty-First Judicial District Court shall collect the
21 fees set forth in R.S. 13:1213.1 and shall deposit no less than sixty percent of the
22 amounts collected in the Clerk's Salary Fund. The remaining funds shall be deposited
23 in the Consolidated Judicial Expense Fund.

24 B. Until a single clerk for the Forty-First Judicial District Court is elected, as
25 it relates to the collection of civil filing fees only, the clerk shall mean the clerk of the
26 Civil District Court.

27 Section 6. R.S. 13:621.41(G)(2) is hereby repealed in its entirety.

28 Section 7. The provisions of Section 6 of this Act and this Section shall become
29 effective on August 15, 2008.

30 Section 8. The provisions of this Section and of Sections 1, 2, 3, 4, and 5 of this Act

1 shall become effective upon signature by the governor or, if not signed by the governor,
2 upon expiration of the time for bills to become law without signature by the governor, as
3 provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the
4 governor and subsequently approved by the legislature, the provisions of this Section and
5 of Sections 1, 2, 3, 4, and 5 of this Act shall become effective on the day following such
6 approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____