

SENATE BILL NO. 166

BY SENATOR MURRAY

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AN ACT

To amend and reenact Sections 19(A), 21(C), 22, 23(C) and (D) and 30 of Act No. 621 of the 2006 Regular Session of the Legislature and R.S. 13:751.1(A)(2), and to enact Section 19(C) of Act No. 621 of the 2006 Regular Session of the Legislature and R.S. 9:203(E)(6), 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(A), 21(C), 22, 23(C) and (D) and 30 of Act No. 621 of the 2006 Regular Session of the Legislature are hereby amended and reenacted and Section 19(C) of Act No. 621 of the 2006 Regular Session of the Legislature is hereby enacted 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Section 19.(A) R.S. 13:1031 through 1147, 1271 through 1312, 1335 through 1347, and 1381.1 through 1400 are hereby repealed in their entirety effective on ~~January 1, 2009~~ **December 31, 2014.**

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

* * *

Section 21.

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(C) Section 2 of this Act shall become effective on ~~January 1, 2009~~ **December 31, 2014.**

Section 22. Except as provided in Sections 21 and 28 of this Act, the provisions of Section 2 of this Act shall become effective on ~~January 1, 2009~~ **December 31, 2014,** except that the provisions of R.S. 13:621.41 and 714.1 shall be effective for purposes of qualifying and election of judges and magistrate of the Forty-First Judicial District Court to be held at the congressional election to be held in 2008.

* * *

Section 23.

(C) Except for the provisions of R.S. 33:1500(A), the provisions of Section 4 shall become effective on the date that the sheriff elected at the election of parochial and municipal officers in the parish of Orleans in ~~2010~~ **2014** takes office.

(D) R.S. 33:1501.1 and 1519.1 are hereby repealed in their entirety effective on the date that the sheriff elected in ~~2010~~ **2014** takes office.

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Section 30. The provisions of R.S. 13:751.4 and 841.3 of Section 2 of this Act shall become effective upon signature by the governor, or if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. Until a single clerk for the Forty-First Judicial District Court is elected, the clerk shall mean the clerk of the Civil District Court and the clerk of the Criminal District Court. All fees and costs assessed or collected by the clerk of Civil District Court or the clerk of the Criminal District Court for the parish

1 of Orleans in effect on the effective date of this Section are continued and shall be assessed
2 and collected in accordance with these provisions. On or after January 1, 2009, the sixty
3 percent in R.S. 13:841.3 may be renegotiated by the clerk and chief judge of the Forty-First
4 Judicial District Court, but shall not be reduced below fifty percent of the civil filing fees
5 collected by the clerk.

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

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

8 * * *

9 E.

10 * * *

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

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

18 §751.1. Clerk of the Forty-First Judicial District Court

19 A.

20 * * *

21 (2) Beginning on the date that the judges elected to serve on the Forty-First
22 Judicial District Court take office on ~~January 1, 2009~~ January 1, 2015, and until
23 such date as provided in Subsection B of this Section, the clerk of court for the Civil
24 District Court for the parish of Orleans shall serve as the clerk for the Forty-First
25 Judicial District Court, Civil Section, and the clerk of court for the Criminal District
26 Court for the parish shall serve as the clerk for the Forty-First Judicial District Court,
27 Criminal Section.

28 * * *

29 Section 4. (A) The judges elected to take office on January 1, 2009, and presiding
30 over Divisions A through N of the Civil District Court for the parish of Orleans shall

1 continue to preside over those divisions until December 31, 2014, at which time they
2 shall preside over Divisions A through N of the Forty-First Judicial District Court. The
3 judges shall continue to serve until the thirty-first day of December of the year in which
4 their terms expire.

5 (B) The judges elected to take office on January 1, 2009, and presiding over
6 Sections A through L of the Criminal District Court for the parish of Orleans shall
7 continue to preside over those sections until December 31, 2014, at which time they
8 shall preside over Divisions O through Z of the Forty-First Judicial District Court. The
9 judges shall continue to serve until the thirty-first day of December of the year in which
10 their terms expire.

11 (C) The magistrate judge elected to take office on January 1, 2009, and
12 presiding over the magistrate section of the Criminal District Court for the parish of
13 Orleans shall continue to preside over that magistrate section until December 31, 2014,
14 at which time he shall preside over the magistrate division of the Forty-First Judicial
15 District Court. The magistrate judge shall continue to serve until the thirty-first day
16 of December of the year in which his term expires.

17 (D) The four magistrate commissioners appointed to the Criminal District
18 Court for the parish of Orleans shall continue to preside in those magistrate
19 commissioner sections until December 31, 2014, at which time they shall preside in the
20 magistrate commissioner divisions of the Forty-First Judicial District Court. The
21 magistrate commissioners shall continue to serve until the thirtieth day of June of the
22 year in which their terms expire.

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

27 (B) Until a single clerk for the Forty-First Judicial District Court is elected, as
28 it relates to the collection of civil filing fees only, the clerk shall mean the clerk of the
29 Civil District Court and the clerk of the Criminal District Court.

30 Section 6. The provisions of this Act shall supersede and control to the extent of any

1 conflict with the Act that originated as Senate Bill No. 625 of the 2008 Regular Session of
2 the Legislature.

3 Section 7. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____