

SENATE BILL NO. 613

BY SENATOR MURRAY

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AN ACT

To amend and reenact R.S. 13:621.41(B)(1), (D), (E), (F)(1), (H)(1) and (3), 621.43, 621.44(A), 621.45(B), 1136, 1137, 1140(A) (introductory paragraph), (B) and (C), 1335, and 1336, and to enact R.S. 9:203(E)(6), relative to the district courts in the parish of Orleans; to provide for the civil district court in the parish of Orleans; to provide for the judges in the civil district court in the parish of Orleans; to provide for the criminal district court in the parish of Orleans; to provide for the judges in the criminal district court in the parish of Orleans; to provide for the Forty-First Judicial District Court; to provide for the judges and magistrates in the Forty-First Judicial District Court; to provide for the jurisdiction, elections, term of office, and powers of such courts; 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 extend the terms of office of the judges of the Orleans Parish Juvenile Court; to provide for legislative findings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:621.41(B)(1), (D), (E), (F)(1), (H)(1) and (3), 621.43, 621.44(A), 621.45(B), 1136, 1137, 1140(A) (introductory paragraph), (B) and (C), 1335, and 1336 are hereby amended and reenacted to read as follows:

§621.41. Forty-First Judicial District

* * *

B.(1) The judges of the Forty-First Judicial District Court by rule adopted by a majority vote of the judges sitting en banc, with the consent of the judge of the

1 all of the books, papers, records, monies, actions, and other property of every kind
 2 and description, movable and immovable, real and personal, possessed, controlled,
 3 or used by the ~~Civil District Court~~ **civil district court** for the parish and ~~Criminal~~
 4 ~~District Court~~ **criminal district court** for the parish shall be transferred and be
 5 owned, possessed, controlled, and used by the Forty-First Judicial District Court.

* * *

7 (3) The employees of the ~~Civil District Court~~ **civil district court** for the
 8 parish and the ~~Criminal District Court~~ **criminal district court** for the parish shall be
 9 transferred in accordance with this Section, to the extent required and in accordance
 10 with applicable civil service laws, and shall be subject to the supervision and control
 11 of the Forty-First Judicial District Court. The employees transferred in accordance
 12 with this Section shall continue to contribute to the retirement system or pension
 13 fund to which they were contributing on the effective date of this Section, including
 14 the retention of all accrued benefits and contributions to which they were entitled on
 15 the effective date of this Section. The salaries of the employees shall continue to be
 16 paid from the same sources and in the manner in which they are paid on December
 17 31, 2008. The employees shall continue to be entitled to participate in the same
 18 health and life insurance plans they are participating in on December 31, 2008.

* * *

§621.43. Forty-First Judicial District; office or positions and functions

21 The Forty-First Judicial District Court shall have a position or office of
 22 judicial administrator, deputy judicial administrator, and assistants as needed, ~~at least~~
 23 **not less than** twenty-six law clerks, and ~~at least~~ **not less than** eight secretaries, and
 24 shall provide for the conduct of the jury commission and sanity hearings, the cost of
 25 all of which shall be allocated by the Judicial Budgetary Control Council to such
 26 court; however, the positions provided for in R.S. 13:1384 shall be paid as required
 27 by the provisions of that Section.

28 §621.44. ~~Abolition of Orleans Parish Juvenile Court; extension of terms of office;~~
 29 jurisdiction; conferred on Forty-First Judicial District Court; transfer
 30 of cases

1 ~~accordance with the provisions of Article V, Section 22 of the Constitution at a~~
 2 ~~special election to be called by the governor to be held at the same time as the 1979~~
 3 ~~gubernatorial election and shall serve for terms which shall commence on January~~
 4 ~~1, 1980 and which shall end on December 31, 1984. Thereafter, the successors in~~
 5 ~~office to those judges shall be elected~~ for six year terms at the congressional
 6 elections held in 1984 and every sixth year thereafter.

7 D. Divisions M and N of the ~~Civil District Court~~ **civil district court** for the
 8 parish of Orleans are hereby created for the purpose of nomination and election of
 9 the judges elected to fill the two additional judgeships created by this Section. Judges
 10 elected to these divisions shall be elected by the qualified voters of Orleans Parish
 11 and shall have jurisdiction throughout the parish.

12 E. The ~~initial~~ judges elected to ~~Divisions~~ **divisions** M and N shall be elected
 13 ~~in accordance with the provisions of Article V, Section 22 of the Constitution of~~
 14 ~~Louisiana at the next regular congressional election to be held in 1990 and shall~~
 15 ~~serve for a term which shall commence on January 1, 1991, and which shall end on~~
 16 ~~December 31, 1996. Thereafter, the successors in office to these judges shall be~~
 17 ~~elected~~ for a six year term at the congressional election held in 1996 and every sixth
 18 year thereafter.

19 F. The additional judges shall have the same qualifications and shall receive
 20 the same emoluments of office, compensation, and expense allowances, payable
 21 from the same sources and in the same manner, as are now or may hereafter be
 22 provided for other judges of the ~~Civil District Court~~ **civil district court** for the parish
 23 of Orleans. Each of such judges shall have the right to appoint a crier, stenographer
 24 and minute clerk for his own section of said court, who shall perform the same duties
 25 and receive the same compensation, payable in the same manner and from the same
 26 sources, as similar officials in other sections of divisions of said court.

27 G.~~(4)~~ All of the judges of the ~~Civil District Court~~ **civil district court** for the
 28 parish of Orleans shall be elected at the congressional elections, commencing in
 29 1984 and every sixth year thereafter. Each judge shall take office on the first day of
 30 January of the year following election and shall serve through December thirty-first

1 of the last year of his term. The term of office of judges of the ~~Civil District Court~~
2 civil district court for the parish of Orleans shall be six years.

3 ~~(2) In order to effectuate the provisions of this Subsection, the term of office~~
4 ~~of each judge of the Civil District Court for the parish of Orleans whose term ends~~
5 ~~prior to December 31, 1984, is hereby extended until December 31, 1984.~~

6 §1137. ~~Civil District Court~~ district court for the Parish of Orleans; jurisdiction

7 A. The ~~Civil District Court~~ civil district court for the Parish of Orleans has
8 the same civil jurisdiction as the district courts throughout the state, except as
9 otherwise provided by law.

10 B. The court has appellate jurisdiction over all cases tried in the city courts
11 of New Orleans where the amount in dispute, value of the movable property
12 involved, or fund to be distributed does not exceed one hundred dollars, exclusive
13 of interest. These appeals shall be tried de novo by a single judge, and without a jury;
14 however, the ~~Civil District Court~~ civil district court for the Parish of Orleans may
15 provide by rule that no evidence shall be admitted on the trial de novo which was not
16 offered in the city court unless it is shown to the satisfaction of the court that despite
17 the exercise of reasonable diligence by the party offering it such evidence could not
18 have been produced at the trial in the city court.

19 * * *

20 §1140. Jurisdiction of ~~Civil District Court~~ civil district court for the parish of
21 Orleans

22 A. Pursuant to the authority vested by Sections 16, 18 and 32 of Article V of
23 the Constitution, the ~~Civil District Court~~ civil district court for the parish of Orleans
24 is hereby vested with jurisdiction of certain cases previously under the jurisdiction
25 of the Orleans Parish Family Court, it being the intent of this Section that all facets
26 and cases involving domestic relation problems hereafter shall be filed and heard
27 before a single court, namely, the ~~Civil District Court~~ civil district court for the
28 parish of Orleans which court shall have exclusive original jurisdiction over all cases
29 involving domestic relations problems, more specifically the following, to wit:

30 * * *

1 this Paragraph shall only be effective from November 1, 2008, through
2 November 30, 2008.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____