

## HOUSE SUMMARY OF SENATE AMENDMENTS

**HB 560**

**2017 Regular Session**

**Hunter**

CIVIL/PROCEDURE: Provides with respect to legislative continuance

### Synopsis of Senate Amendments

1. Deletes provisions providing an exception to a member or legislative employee being the only person who may assert the peremptory ground for continuance.
2. Changes provisions to add a requirement that the court consider a motion for legislative continuance at any time prior to the hearing and to delete the requirement that advance notice be given to opposing counsel.

### Digest of Bill as Finally Passed by Senate

Present law provides that a member of the legislature and a legislative employee shall have peremptory grounds for continuance or extension of a criminal case, civil case, or administrative proceeding.

Present law provides that the peremptory grounds for continuance are available:

- (1) Any time between 30 days prior to the original call to order and 30 days following the adjournment sine die of any legislative session.
- (2) Any time between 30 days prior to convening and 30 days following adjournment sine die of any constitutional convention.

Present law also provides that peremptory grounds are available when a legislator or employee is engaged in activities in connection with or ordered by: (1) the legislature; (2) any legislative committee or subcommittee appointed by the president of the Senate or the speaker of the House of Representatives; (3) any committee or commission appointed by the governor or other person authorized to make such appointments; or (4) any constitutional convention or commission.

Present law requires verification of the notice of a meeting or call for legislative session.

Proposed law removes the requirement that the clerk of the House of Representatives or the secretary of the Senate file an affidavit verifying the issuance of the notice or call for legislative session.

Proposed law provides that present law shall not be used to impede peremptory nature of present law and proposed law.

Present law provides that for sufficient cause shown, the court may consider a motion for legislative continuance at any time prior to the hearing.

Proposed law provides that the court shall consider a motion for legislative continuance at any time prior to the hearing.

Proposed law authorizes the motion to be filed by facsimile transmission or electronic mail, provided the mover provides all parties with a copy of the motion.

Proposed law retains present law and authorizes the court to grant a legislative continuance or extension on its own motion upon receiving consent from the members of the legislature.

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

(Amends R.S. 13:4163(E)(1)(b), and (I); Adds R.S. 13:4163(E)(1)(c))