

2022 Regular Session

HOUSE BILL NO. 1069 (Substitute for House Bill No. 461 by Representative Jordan)

BY REPRESENTATIVE JORDAN

COURTS/MAYORS: Provides relative to mayors' courts

1 AN ACT

2 To amend and reenact R.S. 33:441 through 447.16, 448(C) and (D), 449(C), 451(C), 453(B),
3 454(B), 455(B), 456(B), and 457(B), relative to municipal courts; to provide relative
4 to mayors' courts; to provide for the appointment of magistrates to preside over
5 mayors' courts; to provide for the qualifications and appointment of magistrates; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:441 through 447.16, 448(C) and (D), 449(C), 451(C), 453(B),
9 454(B), 455(B), 456(B), and 457(B) are hereby amended and reenacted to read as follows:

10 §441. Mayor's court

11 A.(1) Except as provided in Chapter 7 of Title 13 of the Louisiana Revised
12 Statutes of 1950, there ~~shall~~ may be a mayor's court in the municipality, with
13 jurisdiction over all violations of municipal ordinances. The ~~mayor~~ magistrate may
14 try all breaches of the ordinances and impose fines or imprisonment, or both,
15 provided for the infraction thereof. Notwithstanding any other provision of law to
16 the contrary, the ~~mayor~~ magistrate may also impose court costs not to exceed thirty
17 dollars for each offense, as defined by ordinance, on any defendant convicted of a
18 violation of a municipal ordinance. The ~~mayor~~ magistrate may authorize that a
19 portion of court costs assessed be deposited into a special account and transmitted

1 to the Louisiana Association of Chiefs of Police to be used for law enforcement
2 education and training as required by Louisiana law.

3 (2) Notwithstanding any other provision of law to the contrary, the ~~mayor~~
4 magistrate may impose additional court costs not to exceed twenty dollars for each
5 offense, as defined by ordinance or traffic violation, on any defendant convicted of
6 a violation of a municipal ordinance, provided that ten dollars of such additional
7 court costs collected shall be remitted to the local public defender's office.

8 (3) The ~~mayor~~ magistrate may suspend the execution in whole or in part of
9 a fine or imprisonment, or both, imposed for violation of a municipal ordinance and
10 place the defendant on unsupervised or supervised probation with such conditions
11 as the ~~mayor~~ magistrate may fix and, at any time during the probation, modify, add,
12 or discharge. The probation shall be for a period as the ~~mayor~~ magistrate shall
13 specify up to one year. The ~~mayor~~ magistrate may terminate or revoke the probation
14 at any time. At the termination of the probation, the ~~mayor~~ magistrate may set the
15 conviction aside and dismiss the prosecution.

16 (4) Notwithstanding any other provision of law to the contrary, when a
17 defendant has been convicted of violation of a municipal ordinance, the ~~mayor~~
18 magistrate may suspend the imposition or the execution of the whole or any part of
19 the sentence and place the defendant on unsupervised probation upon such
20 conditions as the mayor may fix. Such suspension of sentence and probation shall
21 be for a period of six months or such shorter period as the ~~mayor~~ magistrate may
22 specify. But in no case shall the probationary period imposed exceed the maximum
23 penalty of imprisonment that may be imposed for violation of a particular ordinance.

24 (5)(a) Notwithstanding any other provision of law to the contrary, a mayor's
25 court shall have concurrent jurisdiction with the district court of civil suits to collect
26 utility debts within the municipality, where the good faith amount in dispute does not
27 exceed five thousand dollars, exclusive of penalties, interest, court costs, attorney
28 fees and penalties, whether provided by agreement or by law. The jurisdiction

1 granted by this Paragraph shall be limited to suits to collect utility debts owed to the
2 municipality or to a utility system owned or operated by the municipality.

3 (b) If the demand asserted in a good faith original, amended or supplemental
4 pleading, cross claim, or in any good faith incidental demand or any other pleading,
5 exceeds the jurisdiction of the court, the court shall transfer the action to a court of
6 proper jurisdiction.

7 (c) Upon request of the ~~mayor~~ magistrate, the board of alderman ~~shall~~ may
8 appoint one or more additional attorneys who shall be designated as a court
9 magistrate to hear all civil utility debt suits authorized by this Paragraph. The board
10 of alderman shall fix and pay the salary of each such magistrate.

11 (d) Upon adoption of ordinance by the municipality, and upon a finding by
12 the court magistrate that a civil utility debt is owed and delinquent, the court
13 magistrate is authorized to impose court costs against the debtor, not to exceed the
14 sum of thirty-five dollars for each civil suit. Costs received pursuant to this
15 Paragraph shall be deposited into the general fund of the municipality.

16 (e) Any person against whom a judgment is rendered in a mayor's court
17 pursuant to this Paragraph shall have the right of direct appeal to the district court for
18 the parish in which the mayor's court is situated which shall be tried de novo. The
19 party against whom a judgment is rendered shall be given written notice of his right
20 to appeal within the time specified in this Paragraph. The delay for appeal shall not
21 run until the day after notice has been provided to the party. The appeal must be
22 filed within ten days of the date of the judgment and notice of the appeal must be
23 given within the ten-day period to the magistrate who adjudicated the matter, the
24 district court to which the matter is being appealed, and the municipality in whose
25 favor judgment was rendered. The appeal from a decision of the district court shall
26 be the same as provided by law for appeals of civil matters adjudicated by a district
27 court. The district court may assess costs as authorized by law to the party against
28 whom judgment is rendered. There shall be no prepayment of court costs on behalf
29 of the appellant. The judge shall inform the defendant of the right to appeal at no

1 prepayment of costs after a determination that the appellant is indigent. The judge
2 shall inform the appellant of his right to appeal as provided for in this Subparagraph.

3 (f) The law enforcement authority of the municipality in which the mayor's
4 court is located is authorized to effectuate service of process within the parish of the
5 court for any civil suit before the court pursuant to this Paragraph.

6 (g) The provisions of this Paragraph shall not apply in Jefferson Parish.

7 B.(1) Notwithstanding any other provision of law to the contrary, the board
8 of aldermen in its discretion may, ~~upon request of the mayor,~~ appoint one or more
9 attorneys who shall be designated as court magistrate, ~~and~~ who shall serve at the
10 pleasure of the ~~mayor~~ the board of aldermen, and ~~may from time to time be~~
11 ~~designated by the mayor to serve in his stead as the presiding official over the~~
12 ~~mayor's court. Whenever a magistrate is so designated by the mayor to~~ who shall
13 preside over the mayor's court, ~~he shall exercise the powers and authority of the~~
14 ~~mayor over said court.~~ The board of aldermen shall fix and pay the salary of each
15 magistrate, if any are appointed.

16 (2) Notwithstanding any other provision of law to the contrary, the board of
17 aldermen in its discretion may, ~~upon request of the mayor,~~ appoint one or more
18 attorneys who shall be designated as prosecutor and who shall serve at the pleasure
19 of the ~~mayor~~ the board of aldermen. The board of aldermen shall fix and pay the
20 salary of each prosecutor, if any are appointed.

21 C.(1) ~~The mayor shall have the power of a committing magistrate.~~

22 (2) ~~The~~ magistrate, as presiding officer of a mayor's court, shall be entitled
23 to judicial immunity for his official acts as presiding officer in the same capacity as
24 a judge in this state.

25 D.(1) Notwithstanding any other law to the contrary, any person presiding
26 over mayor's court pursuant to this Subpart shall be an attorney licensed to practice
27 law in this state and shall be in good standing with the Louisiana State Bar
28 Association.

1 (2) No person presiding over mayor's court pursuant to this Subpart shall be
2 an elected official for the city, town, or village where he is appointed as a magistrate.

3 §441.1. City of Kenner; appointment of court magistrates; duties; prosecuting
4 attorney; information; animal hearing officer

5 A. The city council of the city of Kenner ~~shall, upon request of the mayor,~~
6 may appoint one or more attorneys who shall be designated as court magistrates and
7 who shall serve at the pleasure of the ~~mayor and may from time to time be~~
8 ~~designated by the mayor to serve in his stead~~ council as the presiding official over
9 the mayor's court. ~~Whenever a magistrate is so designated by the mayor to preside~~
10 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
11 ~~said court.~~ Each appointed magistrate shall serve at a salary fixed and paid by the
12 city council.

13 B.(1) Notwithstanding any other provision of law to the contrary, "an
14 information" as used in this Subsection is a written accusation of crime made by the
15 prosecuting attorney in the mayor's court in the city of Kenner. It must be filed in
16 open court in the mayor's court having jurisdiction to try the offense or in the office
17 of the clerk thereof.

18 (2) Notwithstanding any other provision of law to the contrary, a prosecution
19 for violation of an ordinance in the mayor's court in the city of Kenner may be
20 instituted by an affidavit or an information charging any offense.

21 (3) The clerk of court for the city of Kenner may use an electronic signature,
22 stamp, or other such facsimile of the signature of the prosecuting attorney to affix the
23 prosecuting attorney's signature to bills of information in the mayor's court for the
24 city of Kenner.

25 C.(1) The office of animal hearing officer of the mayor's court of the city of
26 Kenner is hereby created. The city council of the city of Kenner ~~shall, upon request~~
27 ~~of the mayor,~~ may appoint an animal hearing officer for the court as provided in this
28 Subsection.

1 (2) The animal hearing officer shall be selected by the city council to serve
2 at the pleasure, discretion, and direction of the council for a period of twelve months.
3 He may be reappointed.

4 (3) The animal hearing officer shall possess the same qualifications for
5 office as a magistrate for the mayor's court of the city of Kenner.

6 (4) The magistrate of the mayor's court may also be appointed as the animal
7 hearing officer, and such appointment shall not constitute dual officeholding.

8 (5) The salary of the animal hearing officer shall be set by the city council.
9 If the magistrate of the mayor's court is appointed animal hearing officer, there shall
10 be no additional compensation beyond the compensation provided for the magistrate.

11 (6) An animal hearing officer may engage in the practice of law and in any
12 other business, occupation, or employment not inconsistent with the expeditious,
13 proper, and impartial performance of his duties as animal hearing officer. Any
14 questions regarding the propriety of other business, occupation, or employment by
15 an animal hearing officer shall be determined by the appointing city council.

16 (7) The animal hearing officer shall have criminal jurisdiction over
17 violations of municipal ordinances relating to crimes involving nuisance and vicious
18 or dangerous animals committed within the territorial boundaries of the city of
19 Kenner. Additionally, the animal hearing officer shall have the authority to declare
20 any animal vicious, dangerous, or to determine the disposition of the animal,
21 including humane euthanasia, if warranted.

22 §441.2. Village of Jean Lafitte; appointment of court magistrate; duties; salary

23 The board of aldermen of the village of Jean Lafitte ~~shall, upon request of the~~
24 ~~mayor, may~~ may appoint an attorney who shall be designated as court magistrate and who
25 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
26 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
27 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
28 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~

1 ~~said court.~~ The magistrate shall serve at a salary fixed by and to be paid by the board
2 of aldermen.

3 §441.3. Town of Delcambre; appointment of court magistrate; duties; salary

4 The board of aldermen of the town of Delcambre, ~~shall upon request of the~~
5 ~~mayor,~~ may appoint an attorney who shall be designated as court magistrate and
6 who shall serve at the pleasure of the ~~mayor and may from time to time be~~
7 ~~designated by the mayor to serve in his stead~~ board of aldermen as the presiding
8 official over the mayor's court. ~~Whenever the magistrate is so designated by the~~
9 ~~mayor to preside over the mayor's court, he shall exercise the powers and authority~~
10 ~~of the mayor over said court.~~ The magistrate shall serve at a salary fixed by and to
11 be paid by the board of aldermen.

12 §441.4. Town of Jonesville; appointment of ~~mayor pro tempore~~ court magistrate;
13 duties; compensation

14 The ~~mayor~~ the board of aldermen of the town of Jonesville may from time
15 to time appoint ~~the mayor pro tempore of such town to serve in his stead~~ an attorney
16 who shall be designated as court magistrate and who serve at the pleasure of the
17 board of aldermen as the presiding official over the mayor's court, ~~and in any such~~
18 ~~case the mayor pro tempore shall so serve.~~ ~~Whenever the mayor pro tempore is~~
19 ~~appointed to preside over the mayor's court, he shall exercise the powers and~~
20 ~~authority of the mayor over said court.~~ The ~~mayor pro tempore~~ magistrate for such
21 service may receive such compensation as may be fixed by ordinance adopted by the
22 board of aldermen.

23 §441.5. Village of Maurice; appointment of court magistrate; duties; salary

24 The board of aldermen of the village of Maurice, ~~shall upon request of the~~
25 ~~mayor,~~ may appoint an attorney who shall be designated as court magistrate and who
26 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
27 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
28 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
29 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~

1 ~~said court.~~ The magistrate shall serve at a salary fixed by and to be paid by the board
2 of aldermen.

3 §441.6. Town of Walker; appointment of court magistrate; duties; salary

4 The board of aldermen of the town of Walker ~~shall, upon request of the~~
5 ~~mayor, may~~ may appoint an attorney who shall be designated as court magistrate and who
6 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
7 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
8 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
9 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
10 ~~said court.~~ The magistrate shall serve at a salary fixed and paid by the board of
11 aldermen.

12 §441.7. Town of Mansura; appointment of court magistrate; duties; salary

13 The board of aldermen of the town of Mansura, ~~shall upon request of the~~
14 ~~mayor, may~~ may appoint an attorney who shall be designated as a court magistrate and
15 who shall serve at the pleasure of the ~~mayor and may from time to time be~~
16 ~~designated by the mayor to serve in his stead~~ board of aldermen as the presiding
17 official over the mayor's court. ~~Whenever the magistrate is so designated by the~~
18 ~~mayor to preside over the mayor's court, he shall exercise the powers and authority~~
19 ~~of the mayor over said court.~~ The magistrate shall serve at a salary fixed by and to
20 be paid by the board of aldermen.

21 §441.8. Town of Cottonport; appointment of court magistrate; duties; salary

22 The board of aldermen of the town of Cottonport, ~~shall upon request of the~~
23 ~~mayor, may~~ may appoint an attorney who shall be designated as court magistrate and who
24 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
25 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
26 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
27 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
28 ~~said court.~~ The magistrate shall serve at a salary fixed by and to be paid by the board
29 of aldermen.

1 §441.9. Town of Erath; appointment of court magistrate; duties; salary

2 The board of aldermen of the town of Erath ~~shall upon request of the mayor,~~
3 may appoint an attorney who shall be designated as court magistrate and who shall
4 serve at the pleasure of the ~~mayor and may from time to time be designated by the~~
5 ~~mayor to serve in his stead~~ board of aldermen as the presiding official over the
6 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
7 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
8 ~~said court.~~ The magistrate shall receive a salary fixed and paid by the board of
9 aldermen.

10 §441.10. Town of Lockport; appointment of court magistrate; duties; salary

11 The board of aldermen of the town of Lockport ~~shall, upon request of the~~
12 ~~mayor,~~ may appoint an attorney who shall be designated as court magistrate and who
13 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
14 ~~the mayor or serve in his stead~~ board of aldermen as the presiding official over the
15 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
16 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
17 ~~said court.~~ The magistrate shall receive a salary fixed and paid by the board of
18 aldermen.

19 §441.11. Town of Iowa; appointment of court magistrate; duties; salary

20 The board of aldermen of the town of Iowa ~~may upon request of the mayor,~~
21 appoint an attorney who shall be designated as court magistrate and who shall serve
22 at the pleasure of the ~~mayor and may from time to time be designated by the mayor~~
23 ~~to serve in his stead~~ board of aldermen as the presiding official over the mayor's
24 court. ~~Whenever the magistrate is so designated by the mayor to preside over the~~
25 ~~mayor's court, he shall exercise the powers and authority of the mayor over said~~
26 ~~court.~~ The magistrate shall receive a salary fixed and paid by the board of aldermen.

27 §441.12. Town of Welsh; appointment of court magistrate; duties; salary

28 The board of aldermen of the town of Welsh ~~may upon request of the mayor,~~
29 appoint an attorney who shall be designated as court magistrate and who shall serve

1 at the pleasure of the ~~mayor and may from time to time be designated by the mayor~~
 2 ~~to serve in his stead~~ board of aldermen as the presiding official over the mayor's
 3 court. ~~Whenever the magistrate is so designated by the mayor to preside over the~~
 4 ~~mayor's court, he shall exercise the powers and authority of the mayor over said~~
 5 ~~court.~~ The magistrate shall serve at a salary fixed and paid by the board of aldermen.
 6 §441.13. Town of Westlake; appointment of court magistrate; duties; salary;
 7 additional jurisdiction of ~~mayor's~~ magistrate's court

8 A. The board of aldermen of the town of Westlake ~~shall, upon request of the~~
 9 ~~mayor, may~~ appoint an attorney who shall be designated as court magistrate and who
 10 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
 11 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
 12 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
 13 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
 14 ~~the court.~~ The magistrate shall serve at the salary fixed and paid by the board of
 15 aldermen.

16 B. Notwithstanding any other provision of law to the contrary, in addition
 17 to jurisdiction provided in R.S. 33:441, the mayor's court of the town of Westlake
 18 shall have jurisdiction, concurrent with the city and district court, over suits by the
 19 municipality, water district, sewerage district, or any public utility operated by a
 20 political subdivision of the state to enforce the collection of an open account
 21 regarding property located within the town.

22 §441.14. Town of Ferriday; appointment of court magistrate; duties; salary
 23 The board of aldermen of the town of Ferriday ~~shall, upon request of the~~
 24 ~~mayor, may~~ appoint an attorney who shall be designated as court magistrate and who
 25 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
 26 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
 27 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
 28 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~

1 ~~said court.~~ The magistrate shall serve at a salary fixed and paid by the board of
2 aldermen.

3 §441.15. City of DeQuincy; appointment of court magistrate; duties; salary

4 The ~~mayor~~ governing authority of the city of DeQuincy ~~shall~~ may appoint
5 one or more attorneys who shall be designated as court magistrate and who shall
6 serve at the pleasure of the ~~mayor and may from time to time be designated by the~~
7 ~~mayor to serve in his stead~~ city council as the presiding official over the mayor's
8 court. ~~Whenever a magistrate is so designated by the mayor to preside over the~~
9 ~~mayor's court, he shall exercise the powers and authority of the mayor over said~~
10 ~~court.~~ The magistrate shall serve at a salary fixed and paid by the governing
11 authority of the city of DeQuincy ~~for such time as the magistrate serves in the~~
12 ~~mayor's stead.~~

13 §441.16. Town of Addis; appointment of court magistrate; duties; salary

14 The board of aldermen of the town of Addis ~~shall upon request of the mayor,~~
15 may appoint an attorney who shall be designated as court magistrate and who shall
16 serve at the pleasure of the ~~mayor and may from time to time be designated by the~~
17 ~~mayor to serve in his stead~~ board of aldermen as the presiding official over the
18 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
19 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
20 ~~said court.~~ The magistrate shall receive a salary fixed and paid by the board of
21 aldermen.

22 §441.17. Town of White Castle; appointment of court magistrate; duties; salary

23 The board of aldermen of the town of White Castle ~~shall upon request of the~~
24 ~~mayor,~~ may appoint an attorney who shall be designated as court magistrate and who
25 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
26 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
27 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
28 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~

1 ~~said court.~~ The magistrate shall receive a salary fixed and paid by the board of
2 aldermen.

3 §441.18. Town of Simmesport; appointment of court magistrate; duties; salary

4 The board of aldermen of the town of Simmesport ~~shall upon request of the~~
5 ~~mayor, may~~ may appoint an attorney who shall be designated as court magistrate and who
6 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
7 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
8 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
9 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
10 ~~said court.~~ The magistrate shall receive a salary fixed and paid by the board of
11 aldermen.

12 §441.19. Town of Jonesboro; appointment of court magistrate; duties; salary

13 The board of aldermen of the town of Jonesboro ~~shall, upon request of the~~
14 ~~mayor, may~~ may appoint an attorney who shall be designated as court magistrate and who
15 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
16 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
17 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
18 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
19 ~~said court.~~ The magistrate shall receive a salary fixed and paid by the board of
20 aldermen.

21 §441.20. City of Gretna; appointment of court magistrate; duties

22 The board of aldermen of the city of Gretna ~~shall, upon request of the mayor,~~
23 may appoint an attorney who shall be designated as court magistrate and who shall
24 serve at the pleasure of the ~~mayor and may from time to time be designated by the~~
25 ~~mayor to serve in his stead~~ board of aldermen as the presiding official over the
26 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
27 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
28 ~~said court.~~ The magistrate shall serve at a salary fixed and paid by the board of
29 aldermen.

1 §441.21. Town of Loreauville; appointment of court magistrate; duties; salary

2 ~~Upon the request of the mayor, the~~ The board of aldermen of the town of
3 Loreauville ~~shall~~ may appoint an attorney who shall be designated as court
4 magistrate and who shall serve at the pleasure of the ~~mayor and who may be~~
5 ~~designated from time to time by the mayor to serve in his stead~~ board of aldermen
6 as the presiding officer over the mayor's court. ~~Whenever the magistrate is so~~
7 ~~designated by the mayor to preside over the mayor's court, he shall exercise the~~
8 ~~powers and the authority of the mayor over said court.~~ The magistrate shall receive
9 a salary fixed and paid by the board of aldermen.

10 §441.22. Village of Albany; appointment of court magistrate; duties

11 The governing authority for the village of Albany, ~~upon request of the mayor,~~
12 ~~shall~~ may appoint an attorney who shall be designated as court magistrate and who
13 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
14 ~~the mayor to serve in his stead~~ the governing authority as the presiding official over
15 the mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
16 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
17 ~~said court.~~ The magistrate shall serve at a salary fixed and paid by the governing
18 authority.

19 §441.23. Village of Hessmer; appointment of court magistrate

20 The board of aldermen of the village of Hessmer ~~shall, upon request of the~~
21 ~~mayor, shall~~ may appoint an attorney who shall be designated as court magistrate and who
22 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
23 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
24 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
25 ~~over the mayor's court he shall exercise the powers and authority of the mayor over~~
26 ~~said court.~~ The magistrate shall receive a salary fixed and paid by the board of
27 aldermen.

1 §441.24. Town of Youngsville; appointment of court magistrate; duties

2 The board of aldermen of the town of Youngsville ~~shall, upon request of the~~
3 ~~mayor, may~~ may appoint an attorney who shall be designated as court magistrate and who
4 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
5 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
6 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
7 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
8 ~~said court.~~ The magistrate shall receive a salary fixed and paid by the board of
9 aldermen.

10 §441.25. Town of Jena; appointment of court magistrate; duties; salary

11 The governing authority of the town of Jena, ~~upon request of the mayor, shall~~
12 may appoint an attorney who shall be designated as court magistrate and who shall
13 serve at the pleasure of the ~~mayor and may from time to time be designated by the~~
14 ~~mayor to serve in his stead~~ governing authority as the presiding official over the
15 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
16 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
17 ~~said court.~~ The magistrate shall serve at a salary fixed by and to be paid by the
18 governing authority.

19 §441.26. Town of Broussard; appointment of court magistrate; duties; salary

20 The board of aldermen of the town of Broussard ~~shall, upon request of the~~
21 ~~mayor, may~~ may appoint an attorney who shall be designated as court magistrate and who
22 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
23 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
24 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
25 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
26 ~~said court.~~ The magistrate shall receive a salary fixed and paid by the board of
27 aldermen.

1 §441.27. City of New Roads; appointment of court magistrate; duties

2 The ~~mayor~~ city council of the city of New Roads may, from time to time
3 when he deems it necessary and advisable, appoint an attorney, who shall be
4 designated as court magistrate and who shall serve at the pleasure of the ~~mayor~~, to
5 ~~serve in his stead~~ city council as the presiding official over the mayor's court.
6 ~~Whenever a magistrate is so designated by the mayor to preside over the mayor's~~
7 ~~court, he shall exercise the powers and authority of the mayor over said court.~~ The
8 magistrate shall serve at a salary fixed and paid by the mayor and councilmen of the
9 city of New Roads.

10 §441.28. Town of Lutchter; appointment of court magistrate; duties; salary

11 The board of aldermen of the town of Lutchter ~~shall, upon request of the~~
12 ~~mayor, may~~ appoint an attorney who shall be designated as court magistrate and who
13 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
14 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
15 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
16 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
17 ~~said court.~~ The magistrate shall receive a salary fixed and paid by the board of
18 aldermen.

19 §441.29. Town of Gramercy; appointment of court magistrate; duties; salary

20 The board of aldermen of the town of Gramercy ~~shall, upon request of the~~
21 ~~mayor, may~~ appoint an attorney who shall be designated as court magistrate and who
22 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
23 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
24 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
25 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
26 ~~said court.~~ The magistrate shall receive a salary fixed and paid by the board of
27 aldermen.

1 §441.30. Village of Evergreen; appointment of court magistrate; duties; salary

2 The board of aldermen of the village of Evergreen ~~shall, upon request of the~~
3 ~~mayor, may~~ may appoint an attorney who shall be designated as court magistrate and who
4 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
5 ~~the mayor to serve in his stead~~ the board of aldermen as the presiding official over
6 the mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
7 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
8 ~~said court.~~ The magistrate shall receive a salary fixed and paid by the board of
9 aldermen.

10 §441.31. City of Central; mayor's court; appointment of court magistrate; duties;
11 salary

12 The ~~mayor~~ city council of the city of Central may, from time to time, appoint
13 an attorney who shall be designated as court magistrate and who shall serve at the
14 pleasure of the ~~mayor, to serve in his stead~~ city council as the presiding official over
15 the mayor's court. ~~Whenever a magistrate is so designated by the mayor to preside~~
16 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
17 ~~said court.~~ The magistrate shall receive a salary fixed and paid by the mayor and
18 councilmen of the city of Central.

19 §441.32. Village of Ida; mayor's court

20 A. There is hereby created the Mayor's Court of the Village of Ida, the
21 territorial jurisdiction of which shall extend throughout the village of Ida in Caddo
22 Parish.

23 B. The general provisions of R.S. 33:441 and 442 shall be applicable to and
24 shall govern and regulate the Mayor's Court of the Village of Ida, the jurisdiction of
25 the court, and the power and authority of the ~~mayor~~ magistrate and other officers of
26 the court.

27 §442. Docket of mayor's court; marshal

28 The ~~mayor~~ magistrate shall keep a regular docket, on which he shall enter the
29 causes arising under the ordinances and to be tried by him. He shall keep a perfect

1 record of all cases tried. He may hold his court at any time. The marshal shall attend
2 the court and serve its process and act as its executive officer.

3 §443. City of Harahan; appointment of court magistrate; duties

4 The board of aldermen of the city of Harahan ~~shall, upon request of the~~
5 ~~mayor, may~~ may appoint an attorney who shall be designated as court magistrate and who
6 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
7 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
8 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
9 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
10 ~~said court.~~ The magistrate shall serve at a salary fixed and paid by the board of
11 aldermen.

12 §444. City of Westwego; appointment of court magistrate; duties

13 The board of aldermen of the city of Westwego ~~shall, upon request of the~~
14 ~~mayor, may~~ may appoint an attorney who shall be designated as court magistrate and who
15 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
16 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
17 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
18 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
19 ~~said court.~~ The magistrate shall serve at a salary fixed and paid by the board of
20 aldermen.

21 §445. Town of Berwick; appointment of court magistrate; duties

22 The council of the town of Berwick ~~shall, upon request of the mayor, may~~
23 may appoint an attorney who shall be designated as court magistrate and who shall serve
24 at the pleasure of the ~~mayor and may from time to time be designated by the mayor~~
25 ~~to serve in his stead~~ council as the presiding official over the mayor's court.
26 ~~Whenever the magistrate is so designated by the mayor to preside over the mayor's~~
27 ~~court, he shall exercise the powers and authority of the mayor over said court.~~ The
28 magistrate shall serve at a salary fixed and paid by the council.

1 §446. Town of Patterson; appointment of court magistrate; duties

2 The board of aldermen of the town of Patterson ~~shall, upon request of the~~
3 ~~mayor, may~~ may appoint an attorney who shall be designated as court magistrate and who
4 shall serve at the pleasure of the ~~mayor and may from time to time be designated by~~
5 ~~the mayor to serve in his stead~~ board of aldermen as the presiding official over the
6 mayor's court. ~~Whenever the magistrate is so designated by the mayor to preside~~
7 ~~over the mayor's court, he shall exercise the powers and authority of the mayor over~~
8 ~~said court.~~ The magistrate shall serve at a salary fixed and paid by the board of
9 aldermen.

10 §447. Village of Forest; Mayor's Court

11 A. There is hereby created the Mayor's Court for the Village of Forest in
12 West Carroll Parish.

13 B. The Mayor's Court for the Village of Forest shall be subject to and
14 governed by the provisions of R.S. 33:441 and 442 and all other general provisions
15 of law which are applicable to mayor's courts.

16 §447.1. Mayor's court; city of DeQuincy; additional court costs

17 Notwithstanding R.S. 33:441(A) nor any law to the contrary, the ~~mayor of~~
18 ~~the city of DeQuincy~~ magistrate may also impose court costs not to exceed fifty
19 dollars for each offense, as defined by ordinance, on any defendant convicted of a
20 violation of a municipal ordinance.

21 §447.2. Mayor's court; certain municipalities; additional court costs

22 Notwithstanding any other provision of law to the contrary, the ~~mayors~~
23 magistrates of the municipalities of Benton, Blanchard, Brusly, Delcambre, Erath,
24 Golden Meadow, Greenwood, Jean Lafitte, Kinder, Oak Grove, Port Barre,
25 Richwood, Simmesport, and White Castle may also impose additional court costs not
26 to exceed twenty dollars for each offense, as defined by ordinance, on any defendant
27 convicted of a violation of a municipal ordinance.

1 §447.3. Mayor's court; town of Clinton; additional court costs

2 Notwithstanding any other provision of law to the contrary, the ~~mayor~~
3 magistrate in the town of Clinton may also impose additional court costs not to
4 exceed fifteen dollars for each offense, as defined by ordinance, on any defendant
5 convicted of a violation of a municipal ordinance. Any additional amount in court
6 costs collected pursuant to this Section shall be allocated to the town of Clinton
7 police department to be used to defray operational expenses of the department.

8 §447.4. Mayor's court; town of Vinton; additional court costs

9 Notwithstanding any other provision of law to the contrary, the ~~mayor~~
10 magistrate in the town of Vinton may also impose additional court costs not to
11 exceed twenty dollars for each offense, as defined by ordinance, on any defendant
12 convicted of a violation of a municipal ordinance.

13 §447.5. Mayor's court; town of Elton; additional court costs

14 Notwithstanding any other provision of law to the contrary, the ~~mayor~~
15 magistrate in the town of Elton may also impose additional court costs not to exceed
16 twenty dollars for each offense, as defined by ordinance, on any defendant convicted
17 of a violation of a municipal ordinance.

18 §447.6. Mayor's court; town of Lutchter; additional court costs

19 Notwithstanding any other provision of law to the contrary, if the local
20 governing authority by ordinance authorizes an increase in court costs for the
21 mayor's court of the town of Lutchter, the ~~mayor of the town of Lutchter~~ magistrate,
22 as the presiding officer of the mayor's court of the town of Lutchter, may impose
23 court costs not to exceed twenty-three dollars for each offense, as defined by
24 ordinance, on any defendant convicted of a violation of a municipal ordinance. The
25 court costs authorized by this Section shall be in addition to the court costs
26 authorized by R.S. 33:441.

27 §447.7. Mayor's court; town of Gramercy; additional court costs

28 Notwithstanding any other provision of law to the contrary, if the local
29 governing authority by ordinance authorizes an increase in court costs for the

1 mayor's court of the town of Gramercy, the ~~mayor of the town of Gramercy~~
2 magistrate, as the presiding officer of the mayor's court of the town of Gramercy,
3 may impose court costs not to exceed twenty-three dollars for each offense, as
4 defined by ordinance, on any defendant convicted of a violation of a municipal
5 ordinance. The court costs authorized by this Section shall be in addition to the court
6 costs authorized by R.S. 33:441.

7 §447.8. Mayor's court; town of Basile; additional court costs

8 Notwithstanding any other provision of law to the contrary, if the local
9 governing authority by ordinance authorizes an increase in court costs for the
10 mayor's court of the town of Basile, the ~~mayor of the town of Basile~~ magistrate, as
11 the presiding officer of the mayor's court of the town of Basile, may impose court
12 costs not to exceed seventy-five dollars for each offense, as defined by ordinance,
13 on any defendant convicted of a violation of a municipal ordinance. The court costs
14 authorized by this Section shall be in addition to the court costs authorized by R.S.
15 33:441.

16 §447.9. Mayor's court; town of Sterlington; additional court costs

17 Notwithstanding any other provision of law to the contrary, the ~~mayor~~
18 magistrate of the mayor's court of the town of Sterlington may impose additional
19 court costs not to exceed ten dollars for each offense, as defined by ordinance, on
20 any defendant convicted of a violation of a municipal ordinance. Any additional
21 amount in court costs collected pursuant to this Section shall be allocated to the
22 Sterlington Police Department.

23 §447.10. Mayor's court; town of Lockport; additional court costs

24 Notwithstanding any other provision of law to the contrary, the ~~mayor~~
25 magistrate of the mayor's court of the town of Lockport may also impose additional
26 court costs not to exceed forty dollars for each offense, as defined by ordinance, on
27 any defendant convicted of a violation of a municipal ordinance. Any additional
28 amount in court costs collected pursuant to this Section shall be allocated to the town
29 of Lockport to be used for the purchase, repair, and replacement of law enforcement

1 equipment and technological upgrades for the town of Lockport and the Lockport
2 Police Department.

3 §447.11. Mayor's court; certain municipalities; additional court costs

4 A. Notwithstanding any other provision of law to the contrary, the ~~mayors~~
5 magistrates of the municipalities of DeQuincy, Iowa, Vinton, and Westlake may
6 impose additional court costs not to exceed twenty dollars for each offense, as
7 defined by ordinance, on any defendant convicted of a violation of a municipal
8 ordinance or traffic violation, provided that fifty percent of any additional court cost
9 collected pursuant to this Section shall be remitted to the Fourteenth Judicial
10 District's Indigent Defender Fund.

11 B. Notwithstanding any provision of law to the contrary, the additional costs
12 levied pursuant to R.S. 40:2264 and 2266.1 in excess of ten dollars per offense shall
13 be optional in any mayor's court that actually levies the additional costs authorized
14 pursuant to Subsection A of this Section.

15 §447.12. Mayor's court; town of Mansura; additional court costs

16 Notwithstanding any other provision of law to the contrary, the ~~mayor~~
17 magistrate of the town of Mansura may impose court costs not to exceed eighty-five
18 dollars for each offense, as defined by ordinance, on any defendant convicted of a
19 violation of a municipal ordinance. The court costs authorized by this Section shall
20 be in addition to the court costs authorized by R.S. 33:441.

21 §447.13. Mayor's court; town of Rosepine; additional court costs

22 Notwithstanding any other provision of law to the contrary, the ~~mayor~~
23 magistrate of the town of Rosepine may impose court costs not to exceed thirty
24 dollars for each offense, as defined by ordinance, on any defendant convicted of a
25 violation of a municipal ordinance. The court costs authorized by this Section shall
26 be in addition to the court costs authorized by R.S. 33:441.

27 §447.14. Mayor's court; town of Anacoco; additional court costs

28 In addition to the court costs authorized by R.S. 33:441, the ~~mayor~~
29 magistrate of the town of Anacoco, as the presiding officer of the mayor's court of

1 the town of Anacoco, may impose additional court costs not to exceed twenty dollars
2 for each offense, as defined by ordinance, on any defendant convicted of a violation
3 of a municipal ordinance.

4 §447.15. Mayor's court; city of Kenner; additional court costs

5 Notwithstanding any other provision of law to the contrary, the ~~mayor~~
6 magistrate of the city of Kenner may also impose additional court costs not to exceed
7 thirty dollars for each offense, as defined by ordinance, on any defendant convicted
8 of a violation of a municipal ordinance. Any additional amount in court costs
9 collected pursuant to this Section shall be allocated to the city of Kenner to be used
10 for the mayor's court security enhancements and technological upgrades.

11 §447.16. Mayor's court; town of Livingston; court costs

12 Notwithstanding R.S. 33:441(A) or any other provision of law to the
13 contrary, the ~~mayor~~ magistrate of the town of Livingston may impose court costs not
14 to exceed fifty dollars for each offense, as defined by ordinance, on any defendant
15 convicted of a violation of a municipal ordinance.

16 §448. Mayor's court; town of New Llano; establishment; jurisdiction; additional
17 court costs

18 * * *

19 C. The ~~mayor as a court~~ magistrate shall have such authority and power and
20 the mayor's court shall have such subject matter jurisdiction as provided by law.

21 D. In addition to the court costs authorized by R.S. 33:441, the ~~mayor~~
22 magistrate of the town of New Llano, as the presiding officer of the mayor's court
23 of the town of New Llano, may impose additional court costs not to exceed forty
24 dollars for each offense, as defined by ordinance, on any defendant convicted of a
25 violation of a municipal ordinance, provided that ten dollars of any additional court
26 costs collected pursuant to this Section shall be remitted to the Thirtieth Judicial
27 District's Indigent Defender's Fund.

28 §449. Mayor's court, Heflin; establishment; jurisdiction

29 * * *

1 C. The ~~mayor acting as a court~~ magistrate shall have such power and
2 authority and the mayor's court shall have such jurisdiction as provided by law.

3 §450. Mayor's court, St. Gabriel; establishment; jurisdiction

4 * * *

5 C. The ~~mayor acting as a court~~ magistrate shall have such power and
6 authority and the mayor's court shall have such jurisdiction as provided by law.

7 §451. Mayor's court, Clarks; establishment; jurisdiction

8 * * *

9 C. The ~~mayor acting as a court~~ magistrate shall have such power and
10 authority and the mayor's court shall have such jurisdiction as provided by law.

11 §452. Town of Evergreen; appointment of court magistrate

12 The board of aldermen of the town of Evergreen ~~shall, upon request of the~~
13 ~~mayor, may~~ may appoint an attorney who shall be designated as court magistrate and who
14 shall serve ~~at the pleasure of the mayor and may from time to time be designated by~~
15 ~~the mayor to serve in his stead~~ as the presiding official over the ~~mayor's~~ magistrate's
16 court. ~~Whenever the magistrate is so designated by the mayor to preside over the~~
17 ~~mayor's court, he shall exercise the powers and authority of the mayor over the court.~~

18 The magistrate shall receive a salary fixed and paid by the board of aldermen.

19 §453. Mayor's court, Central; establishment; jurisdiction

20 * * *

21 B. The general provisions of R.S. 33:441 and 442 shall be applicable to and
22 shall govern and regulate the Mayor's Court of the City of Central, the jurisdiction
23 of the court, and the power and authority of the ~~mayor~~ magistrate and other officers
24 of the court.

25 §454. Mayor's court, village of Hosston; establishment; jurisdiction

26 * * *

27 B. The general provisions of R.S. 33:441 and 442 shall be applicable to and
28 shall govern and regulate the Mayor's Court of the village of Hosston, the

1 jurisdiction of the court, and the power and authority of the ~~mayor~~ magistrate and
2 other officers of the court.

3 §455. Mayor's court; village of Elizabeth

4 * * *

5 B. The general provisions of R.S. 33:441 and 442 shall be applicable to and
6 shall govern and regulate the Mayor's Court of the Village of Elizabeth, the
7 jurisdiction of the court, and the power and authority of the ~~mayor~~ magistrate and
8 other officers of the court.

9 §456. Mayor's court, village of Creola; establishment; jurisdiction

10 * * *

11 B. The general provisions of R.S. 33:441 and 442 shall be applicable to and
12 shall govern and regulate the Mayor's Court of the Village of Creola, the jurisdiction
13 of the court, and the power and authority of the ~~mayor~~ magistrate and other officers
14 of the court.

15 §457. Mayor's court; village of Athens

16 * * *

17 B. The general provisions of R.S. 33:441 and 442 shall be applicable to and
18 shall govern and regulate the Mayor's Court of the village of Athens, the jurisdiction
19 of the court, and the powers and authority of the ~~mayor~~ magistrate and other officers
20 of the court.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1069 Original

2022 Regular Session

Jordan

Abstract: Requires attorneys to be appointed as magistrates for and preside over mayor's courts and provides for the requirements to be appointed as a magistrate.

Present law provides for mayors' courts for cities, towns, and villages throughout the state and provides that the mayor is the presiding official of each such court.

Proposed law requires mayors' courts to be presided over by magistrates, removes the mayors as the presiding officer of such courts, and provides that the governing authority of

each city, town, and village may appoint an attorney as the magistrate of the magistrate court.

Proposed law requires that every magistrate be an attorney licensed to practice law in this state and that the attorney be in good standing with the La. State Bar Association.

Proposed law prohibits an elected official of the city, town, or village from being appointed by the governing authority as magistrate.

Present law provides for the imposition of various court costs.

Proposed law retains present law.

(Amends R.S. 33:441-447.16, 448(C) and (D), 449(C), 451(C), 453(B), 454(B), 455(B), 456(B), and 457(B))