

Regular Session, 2012  
HOUSE BILL NO. 1125  
BY REPRESENTATIVE BROADWATER

# ACT No. 519

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1469(5), Code of Criminal Procedure  
3 Article 740, R.S. 13:3667.3(B), and R.S. 49:956.1, relative to the attendance and  
4 testimony of legislators in certain court and administrative hearings; to extend the  
5 requirement of a preliminary motion and hearing to former legislators where their  
6 attendance or testimony is being solicited on matters relating to their former service  
7 as lawmakers; to provide for definitions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Civil Procedure Article 1469(5) is hereby amended and reenacted  
10 to read as follows:

11 Art. 1469. Motion for order compelling discovery

12 A party, upon reasonable notice to other parties and all persons affected  
13 thereby, may apply for an order compelling discovery as follows:

14 \* \* \*

15 (5) An application for an order compelling discovery to a member or former  
16 member of the legislature in his capacity as a state lawmaker, or a legislative  
17 employee in his official capacity, when the legislature or either body thereof is not  
18 a party to the proceeding may be made to the court in which the action is pending,  
19 but no order compelling discovery shall issue except in strict conformity with the  
20 provisions of R.S. 13:3667.3(C). For purposes of this Article "legislative employee"  
21 means the clerk of the House of Representatives, the secretary of the Senate, or an  
22 employee of the House of Representatives, the Senate, or the Legislative Bureau.

23 Section 2. Code of Criminal Procedure Article 740 is hereby amended and reenacted  
24 to read as follows:

1 Art. 740. Restrictions on subpoenas; members of the legislature and personnel

2 No subpoena or order compelling discovery shall issue to compel the  
3 attendance of a member of the Louisiana Legislature, or legislative employee, except  
4 in strict conformity with the ~~provisions~~ provision of R.S. 13:3667.1 and ~~3667.3~~ no  
5 subpoena or order compelling discovery shall issue to compel the attendance of a  
6 member or former member of the Louisiana Legislature, or legislative employee,  
7 except in strict conformity with the provision of R.S. 13:3667.3. For purposes of this  
8 Article, "legislative employee" means the clerk of the House of Representatives, the  
9 secretary of the Senate, and employees of the House of Representatives, the Senate,  
10 and the Legislative Bureau.

11 Section 3. R.S. 13:3667.3(B) is hereby amended and reenacted to read as follows:

12 §3667.3. Statewide elected officials, members of the legislature, legislative  
13 personnel, appointed heads of state departments, compelled appearance as  
14 witness in court or at administrative proceeding, hearing required

15 \* \* \*

16 B. For purposes of this Section:

17 (1) ~~"legislative~~ Legislative employee" means the clerk of the House of  
18 Representatives, the secretary of the Senate, or an employee of the House of  
19 Representatives, the Senate, or the Legislative Bureau.

20 (2) "Member" means a sitting or former member of the Louisiana  
21 Legislature.

22 \* \* \*

23 Section 4. R.S. 49:956.1 is hereby amended and reenacted to read as follows:

24 §956.1. Administrative proceedings; member of the legislature or personnel as  
25 witness

26 An application for an order compelling discovery to a member or former  
27 member of the legislature in his capacity as a state lawmaker, or a legislative  
28 employee in his official capacity, when the legislature or either body thereof is not  
29 a party to the proceeding may be made to the agency in which the action is pending,  
30 but no order compelling discovery shall issue except in strict conformity with the

1 provisions of R.S. 13:3667.3(D). For the purposes of this Section "legislative  
2 employee" shall mean the clerk of the House of Representatives, the secretary of the  
3 Senate, or an employee of the House of Representatives, the Senate, or the  
4 Legislative Bureau.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_