

2024 Regular Session

HOUSE BILL NO. 636

BY REPRESENTATIVE VENTRELLA

COURTS: Creates a new city court in Central

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 4843(H) and to enact R.S. 13:2490,
3 relative to the city court of Central; to provide for the establishment of the city court;
4 to provide for the territorial jurisdiction, venue, and civil jurisdiction of the city
5 court; to provide relative to the clerk of court of the city court; to provide relative to
6 the city court judge; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Article 4843(H) is hereby amended and
9 reenacted to read as follows:

10 Art. 4843. City court jurisdiction; amount in dispute; injunctive actions by state or
11 political subdivision

12 * * *

13 H. In the City Court of Alexandria, the Third Ward City Court of Franklin,
14 the City Court of Pineville, the City Court of East St. Tammany, the City Court of
15 Ruston, the City Court of Sulphur, the City Court of Central, and the City Court of
16 Lake Charles, the civil jurisdiction is concurrent with the district court in cases
17 where the amount in dispute, or the value of the property involved, does not exceed
18 fifty thousand dollars.

1 Section 2. R.S. 13:2490 is hereby enacted to read as follows:

2 §2490. City Court of Central

3 A. "The City Court of Central" hereafter referred to in this Section as "the
4 city court" is hereby established by and in the city of Central. The territorial
5 jurisdiction of the city court shall extend throughout the city of Central, as the same
6 now exists or may hereinafter be changed or altered. The city court shall be
7 composed of a city judge, a clerk of court, a city marshal, and such other personnel
8 as are deemed necessary for the proper operation of the court. The venue shall be
9 as provided by law.

10 B. The civil jurisdiction, and the pleadings, practice, and procedure of the
11 court, shall be as provided by law. The city court shall have criminal jurisdiction
12 concurrent with that of the district court of offenses committed in the city of Cental,
13 Louisiana, and not punishable by imprisonment, at hard labor, under the laws of this
14 state, and exclusive criminal jurisdiction of the violation of the ordinances of the city
15 of Central, Louisiana, with the power to hold preliminary examinations in all cases
16 not capital, and to require bonds to keep the peace. The prosecution of all criminal
17 cases before the city court shall be by affidavit or information, stating briefly the
18 nature and cause of the accusation. The prosecution and the defense shall have
19 compulsory process to procure the attendance of their respective witnesses.

20 C. The judge of the city court shall approve competent court reporters who
21 shall be charged with the duty of taking testimony in all record cases coming before
22 the court. The payment of the fee for the services of the reporter shall be made by
23 the plaintiff upon the filing of the transcript of testimony, and the court reporter is
24 not required to file such transcription with the clerk of court prior to such payment.

25 D. The judge of the city court shall have the authority to perform marriage
26 ceremonies.

27 E. The judge of the city court shall be a duly licensed and practicing attorney
28 who has been in the active practice of law before the courts of Louisiana for at least
29 five years immediately preceding the election and who is a duly qualified elector and

1 resident of the city of Central, East Baton Rouge Parish, Louisiana. The judge shall
2 be elected for a term of six years by the duly qualified electors of the city of Central.
3 The judge shall hold no other public office except that of notary public or
4 membership in the reserve defense establishment. The judge shall not be a public
5 officer, official, or employee nor shall he hold any public or political office or be an
6 officer, official, employee or member of any political organization, committee, or
7 factional group. The salary of the judge payable by the city shall be as fixed by the
8 city council until changed by the council, by ordinance. No fee basis compensation
9 shall be established by the council.

10 F. The judge of the city court shall appoint a suitable person who shall be the
11 clerk of the city court. The city clerk of court shall be appointed for both civil and
12 criminal sections of the court. The city clerk of court shall perform such functions
13 and responsibilities as are provided by law. The city clerk of court shall receive such
14 annual salary as may be fixed, from time to time by the council by ordinance. The
15 city clerk of court shall be subject to removal from office at any time by the judge
16 of the city court.

17 G. The city court shall be provided with a seal which shall contain a vignette
18 of the state seal, with the words "Seal of the City Court of Central", which seal shall
19 be used on all process, orders and writs issuing from the court in all civil matters.

20 H. The chief of police of the city of Central or his designee shall serve as the
21 executive officer of the court, and he shall do and perform all normal duties of a
22 marshal, and in the execution of the court's orders and mandates, and in making
23 arrests and preserving the peace, he shall have the powers of a sheriff. Before
24 entering upon the discharge of his duties, as the executive officer of the court, the
25 chief of police shall give bond in the sum of one thousand dollars, for the faithful
26 performance of his duties. The judge of the city court may appoint a pro tempore
27 executive officer of the court, to serve in the place of the chief of police, in case of
28 the absence, refusal or inability of the chief of police or his designee, to act for any
29 cause.

1 I. The city court shall be empowered and authorized to make and promulgate
2 rules and regulations governing the hours and days during which the court shall sit
3 for the hearing of civil and criminal cases, and such other rules and regulations as
4 may be necessary or incidental to the proper handling of the business of the court,
5 insofar as said rules and regulations are not in conflict with the express provisions
6 of law. The rules and regulations of the court shall be promulgated by posting in a
7 conspicuous place, on the door of the city courtroom and the door of the office of the
8 city judge, and when so promulgated, shall be in full force and effect.

9 J. In the event there is a vacancy in the office of the city judge, because of
10 death, resignation or otherwise, the office shall be filled as provided by law.

11 K. The city judge may recuse himself or may be recused as provided by law.
12 In case of absence or incapacity or recusation of the city judge, a judge ad hoc shall
13 be appointed in the manner provided by law. In the event of the failure or inability
14 of the city judge to make such appointment, a district judge of the district in which
15 the city court is situated may make such appointment.

16 L. All fines, forfeitures of bonds, and penalties, excluding costs, shall be paid
17 into the city treasury.

18 M. Appeals in all civil and criminal matters shall be as provided by law.

19 N. In all civil cases, the court costs shall be those designated and
20 promulgated in the rules and regulations of the city court. In all criminal matters,
21 including traffic violations, the city judge may assess, in addition to the fine and
22 other costs, an amount not to exceed five dollars, which as collected, shall be paid
23 into the general fund of the city.

24 O. The city of Central, Louisiana, shall furnish a suitable place, together with
25 the necessary books, records, equipment and supplies for holding said court and shall
26 provide suitable furnished offices for the city judge, city marshal, and city clerk; the
27 offices to be equipped with fire-proof vaults or filing systems to insure preservation
28 of city court records.

1 P. The judge of the City Court of Central, Louisiana is entitled to an annual
2 vacation of one month with pay at a time to be chosen by the judge.

3 Section 3. In accordance with the provisions of R.S. 13:61, the creation of a new
4 judgeship as provided by this Act shall become effective if and when the Judicial Council
5 provides a recommendation that such new judgeship is a necessity in its report to the
6 Louisiana Legislature. No new judgeship shall be created without Judicial Council approval.

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 636 Engrossed

2024 Regular Session

Ventrella

Abstract: Provides for the establishment of the City Court of Central.

Proposed law establishes the "City Court of Central."

Proposed law fixes the territorial jurisdiction of the city court as extending throughout the city of Central, La.

Proposed law provides that the civil jurisdiction and the pleadings, practice and procedure of the court shall be as provided by law. Provides an exception for the jurisdictional amounts provided in C.C.P. Art. 4843 for the City Court of Central.

Proposed law confers criminal jurisdiction concurrent with that of the district court of offenses committed within its territorial limits, but not extending to capital crimes or offenses with is punishable by imprisonment or hard labor under the laws of this state and exclusive criminal jurisdiction for violations of the ordinances of Central.

Proposed law provides for one judge to be elected by the qualified electors presiding within the territorial boundaries of the court, who is to serve a six-year term, who shall be a duly licensed and practicing attorney in active practice for at least five years preceding the election and who is a duly qualified elector and resident of the city of Central. Provides further that the judge shall hold no other public office except that of a notary public or military reserve membership and that the salary of the judge shall be fixed by the city council until changed by the council by ordinance.

Proposed law provides that the judge shall approve competent court reporters charged with the duty of taking testimony in all record cases and authorizes the judge to appoint a suitable person to be clerk of the city court for both civil and criminal sections who shall perform the clerical duties of the court. Provides further that the city clerk of court shall receive a salary fixed by the city council.

Proposed law provides that the city court shall be composed of a judge, a city clerk, and an executive officer who shall function as a marshal. Provides further that the city of Cental shall provide suitable space for its operation together with necessary supplies for holding court and shall provide suitable furnished offices for the judge, marshal, and city clerk.

(Amends C.C.P. Art. 4843(H); Adds R.S. 13:2490)