

Regular Session, 2014

HOUSE STUDY REQUEST NO. 4

BY REPRESENTATIVE MILLER

JUDGES/JUSTICE OF PEACE: Provides relative to the powers of justices of the peace in issuing felony arrest warrants

1 A STUDY REQUEST

2 To the House Committee on Judiciary to study the powers of justices of the peace in issuing
3 felony arrest warrants and to report its findings to the House of Representatives prior
4 to the convening of the 2015 Regular Session of the Legislature of Louisiana.

5 WHEREAS, Code of Criminal Procedure Article 202 authorizes the issuance of
6 arrest warrants under certain circumstances, including the authority for justices of the peace
7 to issue arrest warrants for felony arrests; and

8 WHEREAS, the issuance of a felony arrest warrant requires determination of
9 probable cause by the official issuing the arrest warrant; and

10 WHEREAS, requirements to qualify for a justice of peace include the following:
11 good moral character, to be a qualified elector, a resident of the ward and district from which
12 elected, be able to read and write the English language, and possess a high school diploma
13 or its equivalent as determined by the State Board of Elementary and Secondary Education
14 by the date of qualification; and

15 WHEREAS, it is imperative that an individual issuing a felony arrest warrant possess
16 the necessary qualifications and education necessary to determine probable cause and
17 whether the suspect has violated the required elements of the crime for which the arrest
18 warrant is being issued.

19 THEREFORE, the House of Representatives of the Legislature of Louisiana requests
20 the House Committee on Judiciary to study the powers of justices of the peace in issuing
21 felony arrest warrants; to study the practice by which the warrants are issued, including the

1 number of justices of the peace that issue the warrants and the jurisdictions that authorize
2 this practice; to make recommendations on improving this practice; and to suggest changes,
3 if any, regarding the authority to issue felony arrest warrants.

4 THEREFORE, the House Committee on Judiciary shall receive testimony and
5 information from the Justice of the Peace and Constables Association, the Louisiana District
6 Attorneys Association, the Louisiana District Judges Association, the Louisiana Sheriffs'
7 Association, the Office of the Louisiana Attorney General, and the Louisiana Supreme
8 Court.

9 THEREFORE, the House Committee on Judiciary shall report its findings to the
10 House of Representatives prior to the convening of the 2015 Regular Session of the
11 Legislature of Louisiana.

DIGEST

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Miller

HSR No. 4

Requests the House Committee on Judiciary to study the powers of justices of the peace in issuing felony arrest warrants.