SLS 15RS-130 ORIGINAL

2015 Regular Session

SENATE BILL NO. 12

BY SENATOR HEITMEIER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS. Provides for locations of sessions of the 25th Judicial District Court. (gov sig)

1 AN ACT

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To amend and reenact R.S. 13:501, relative to courts and judicial procedure; to provide relative to district courts; to provide relative to sittings and sessions in certain judicial districts; to provide relative to sessions of the Twenty-Fifth Judicial District Court; to provide for certain locations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:501 is hereby amended and reenacted to read as follows:

§501. Continuous sessions in districts of one parish

A. In districts composed of one parish, the judge shall hold court during ten months of the year and the session shall be continuous, Sundays and legal holidays excepted, for the trial of civil and criminal cases and disposition of all other matters that may be brought before the court. The judge, by rule of court, may fix the hours of the opening and adjournment of court, but the session shall not be fixed for less than five hours' duration each day.

- B.(1) In the Seventeenth Judicial District, the court in civil cases may hold sessions of the court at a courthouse in Galliano, Louisiana.
 - (2) In the Twenty-Fourth Judicial District, the court may hold civil sessions

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of the court in Jefferson Parish east of the Mississippi River.

| (3) In the Twenty-Fifth Judicial District, | the court may | <u>y hold sessions in</u> |
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| | | |
| Belle Chasse as well as in Pointe a la Hache. | | |

(3)(4)(a) Notwithstanding the provisions of Code of Criminal Procedure Article 762, in the Fortieth Judicial District, with the consent of a majority of the judges of the district, each section of court may hold sessions of the court in accordance with applicable rules of court and a schedule of sessions approved by a majority of the judges of the Fortieth Judicial District in an appropriate public building provided by the St. John the Baptist Parish Council or the law enforcement district on the east bank of the Mississippi River to conduct the following proceedings for offenses which occur or civil actions arising on the east bank of the Mississippi River:

- (i) Arraignments of misdemeanors and traffic tickets.
- (ii) Trials of misdemeanors and traffic tickets for which the defendant is not entitled to a trial by jury.
 - (iii) Arraignments of felony matters.
 - (iv) Contempt of court hearings and compliance hearings.
- (v) Seventy-two hour appointment of counsel hearings pursuant to Code of Criminal Procedure Article 230.1.
 - (vi) Hearings on all matters relating to misdemeanors and traffic offenses.
 - (vii) Civil and criminal motions and pretrial hearings.
- (b) The provisions of this Paragraph shall not be construed so as to constitute legislative approval of the removal, relocation, or disposal of the St. John the Baptist Parish courthouse, nor legislative approval of any plan to remove, relocate, or dispose of such courthouse.
 - (c) Repealed by Acts 2001, No. 559, §2.
- (d) Notwithstanding the provisions of Code of Criminal Procedure Article 762, after August 15, 2003, in the Fortieth Judicial District, with the consent of all of the judges of the district, each section of court may hold sessions of the court in

accordance with applicable rules of court and a schedule of sessions approved by all of the judges of the Fortieth Judicial District in an appropriate public building provided by the St. John the Baptist Parish Council or the law enforcement district on the east bank of the Mississippi River to conduct other proceedings for offenses which occur or civil actions arising on the east bank of the Mississippi River which are not enumerated in Subparagraph (a) of this Paragraph.

(e) Notwithstanding any provision of law to the contrary, if a crime occurs on the west bank of the Mississippi River, the defendant may waive the requirement that proceedings be held on the west bank and the criminal matter may be heard on the east bank of the Mississippi River.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie Baxter.

DIGEST 2015 Regular Session

Heitmeier

<u>Present law</u> relative to district courts provides that in districts composed of one parish, the judge shall hold court during ten months of the year and the session shall be continuous, Sundays and legal holidays excepted, for the trial of civil and criminal cases and disposition of all other matters that may be brought before the court. <u>Present law</u> further provides that the judge, by rule of court, may fix the hours of the opening and adjournment of court, but the session shall not be fixed for less than five hours' duration each day.

<u>Proposed law</u> retains <u>present law</u>.

SB 12 Original

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<u>Present law</u> provides for various civil and criminal court session location requirements in the 17th, 24th and 40th JDCs.

<u>Proposed law</u> retains <u>present law</u> and adds that in the 25th JDC, the court may hold sessions in Belle Chasse as well as in Pointe a la Hache.

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

(Amends R.S. 13:501)