

2023 Regular Session

HOUSE BILL NO. 661 (Substitute for House Bill No. 300 by Representative Muscarello)

BY REPRESENTATIVE MUSCARELLO

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

JUDGES: Provides relative to the Judicial Council of the Supreme Court of Louisiana

1 AN ACT

2 To amend and reenact R.S. 13:61, relative to the judiciary; to provide relative to the Judicial
3 Council of the Supreme Court of Louisiana; to provide for the duties of the council;
4 to provide relative to the review of courts and offices within the judicial branch of
5 state government; to provide relative to data utilized by the council; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:61 is hereby amended and reenacted to read as follows:

9 §61. Judicial Council

10 A.(1) The Judicial Council of the Supreme Court of Louisiana shall adopt
11 determinate standards and guidelines which shall be applied by the council in
12 determining whether to approve the necessity of creating or eliminating any ~~new~~
13 judgeship of the supreme court, courts of appeal, district courts, city courts, parish
14 courts, juvenile courts, family courts, traffic courts, and municipal courts, including
15 the creation or elimination of any ~~new~~ office of commissioner, magistrate, hearing
16 officer, or any other judicial office by whatever other name designated.

17 (2) The Judicial Council shall adopt determinate standards and guidelines
18 which shall be applied by the council in determining whether to approve the
19 necessity of splitting or merging any courts of appeal, district courts, city courts,
20 parish courts, juvenile courts, family courts, traffic courts, and municipal courts.

1 B.(1) Before a bill is acted upon by the legislature to create or eliminate a
2 ~~new~~ judgeship or office designated in Paragraph (A)(1) of this Section, a designee
3 of the Judicial Council shall provide information to the appropriate standing
4 committees of the House of Representatives or of the Senate as to approval of the
5 council as to the necessity of creating or eliminating the ~~new~~ judgeship or office of
6 commissioner, magistrate, or hearing officer.

7 (2) Before a bill is acted upon by the legislature to split or merge courts
8 designated in Paragraph (A)(2) of this Section, a designee of the Judicial Council
9 shall provide information to the appropriate standing committees of the House of
10 Representatives or of the Senate as to approval of the council as to the necessity of
11 splitting or merging the courts.

12 C. The legislature shall not be required to ~~act upon or~~ enact legislation or
13 ~~otherwise act upon any recommendation of the council. creating a new judgeship or~~
14 ~~office of commissioner, magistrate, or hearing officer even though the council has~~
15 ~~authorized the creation of the new office.~~

16 D. The provisions of this Section shall not apply to justice of the peace
17 courts, mayors' courts, ~~or~~ administrative law judges employed by the ~~Division of~~
18 ~~Administrative Law~~ division of administrative law, or clerks of court.

19 E. The Judicial Council shall have the authority to conduct an annual review
20 of judicial districts and appellate circuits and shall provide information and
21 recommendations to the legislature on the appropriate number of district and
22 appellate court judgeships within each district or circuit based upon caseload,
23 population, or other pertinent factors, including the findings and recommendations
24 of the Judicial Structure Task Force established by House Resolution No. 30 of the
25 2022 Regular Session of the Legislature. The recommendations may include
26 proposed revisions to specific constitutional or statutory language addressing the
27 number of such judges in each district or circuit, the need for district or circuit
28 merger or other actions, and the filling of judicial office vacancies in such district or
29 circuit.

1 F. In order to assist the council in accomplishing the reviews and evaluations
2 provided for in this Section, the supreme court, in consultation with the clerks of
3 court, shall adopt procedural and administrative rules to establish uniform data
4 reporting standards for all case filings and adjudications including requirements for
5 electronic filing and reporting. The clerks of all Louisiana courts shall report all
6 requested data to the council in the manner and form directed by the council.

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 661 Engrossed

2023 Regular Session

Muscarello

Abstract: Provides relative to the Judicial Council of the Supreme Court of La.

Present law requires the Judicial Council to adopt standards and guidelines for approving the creation of new judgeships and judicial offices and for splitting or merging courts.

Proposed law additionally requires the council to adopt standards and guidelines for the elimination of judgeships and judicial offices.

Present law provides that the judgeships and judicial offices to which present law is applicable are any judgeship of the supreme court, courts of appeal, district courts, city courts, parish courts, juvenile courts, family courts, traffic courts, and municipal courts, and any office of commissioner, magistrate, hearing officer, or any other judicial office by whatever other name designated.

Present law provides that present law does not apply to justice of the peace courts, mayors' courts, or administrative law judges employed by the division of administrative law. Proposed law adds clerks of court to the excepted offices.

Proposed law requires the supreme court in consultation with the clerks of court to adopt procedural and administrative rules to establish uniform data reporting standards for all case filings and adjudications, including requirements for electronic filing and reporting. Requires all clerks of courts to report requested data to the council in the manner and form directed by the council.

(Amends R.S. 13:61)