

2016 Regular Session

HOUSE BILL NO. 193

BY REPRESENTATIVE HUNTER

CIVIL/PROCEDURE: Provides with respect to legislative continuance in civil cases

1 AN ACT

2 To amend and reenact R.S. 13:4163(C)(1), relative to the ex parte legislative continuance;
3 to provide for time periods of application; to provide for qualifying activities; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:4163(C)(1) is hereby amended and reenacted to read as follows:

7 §4163. Ex parte motion for legislative continuance or extension of time; legislators
8 or employees engaged in legislative or constitutional convention activities

9 * * *

10 C.(1) Such peremptory grounds are available for the continuance of any type
11 of proceeding and the extension of any type of deadline pertaining to a criminal case,
12 civil case, or administrative proceeding, if the presence, participation, or
13 involvement of a member or employee is required in any capacity, including any
14 pretrial or post-trial legal proceeding, during:

15 (a) Any time between ~~fifteen~~ thirty days prior to the original call to order and
16 ~~fifteen~~ thirty days following the adjournment sine die of any session of the
17 legislature.

18 (b) Any time between ~~fifteen~~ thirty days prior to convening and ~~fifteen~~ thirty
19 days following adjournment sine die of any constitutional convention.

1 (c) Any time other than those provided in Subparagraph (a) or (b) of this
 2 Paragraph when such person is engaged in activities, including travel, in connection
 3 with or ordered by: (i) the legislature; (ii) any legislative committee or subcommittee
 4 appointed by the president of the Senate or the speaker of the House of
 5 Representatives; (iii) any committee or commission appointed by the governor or
 6 other person authorized to make such appointments; or (iv) any constitutional
 7 convention or commission.

8 * * *

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 193 Original

2016 Regular Session

Hunter

Abstract: Relative to the ex parte legislative continuance, extends the 15-day period prior to and following legislative sessions and constitutional conventions to a 30-day period, and includes "travel" as an activity subject to the automatic continuance.

Present law provides that a member of the legislature and a legislative employee shall have peremptory grounds for continuance or extension of a criminal case, civil case, or administrative proceeding.

Present law provides that the peremptory grounds for continuance are available:

- (1) Any time between 15 days prior to the original call to order and 15 days following the adjournment sine die of any legislative session.
- (2) Any time between 15 days prior to convening and 15 days following adjournment sine die of any constitutional convention.

Proposed law retains present law but extends the 15-day period to a 30-day period for any session of the legislature and any constitutional convention.

Present law also provides that when such person is engaged in activities in connection with or ordered by: (1) the legislature; (2) any legislative committee or subcommittee appointed by the president of the Senate or the speaker of the House of Representatives; (3) any committee or commission appointed by the governor or other person authorized to make such appointments; or (4) any constitutional convention or commission.

Proposed law retains present law and adds "travel" as an activity subject to the automatic continuance.

(Amends R.S. 13:4163(C)(1))