

First Extraordinary Session, 2011

HOUSE BILL NO. 22

BY REPRESENTATIVE WOOTON

CENSUS: Provides relative to provisions of the Code of Criminal Procedure which are limited in applicability to political subdivisions or local areas meeting specified population characteristics (Item #8)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 161(B), 211.6(A), 324(B) and  
3 (C), 336(B)(introductory paragraph), and 404.1(A), relative to provisions of the Code  
4 of Criminal Procedure which are limited in applicability to certain political  
5 subdivisions or local areas based upon population classifications; to specify  
6 applicability to one or more political subdivisions or local areas; and to provide for  
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Articles 161(B), 211.6(A), 324(B) and (C),  
10 336(B)(introductory paragraph), and 404.1(A) are hereby amended and reenacted to read as  
11 follows:

12 Art. 161. Property subject to seizure

13 \* \* \*

14 B. A judge of a city court located in ~~a municipality with a population of~~  
15 ~~between twelve thousand and fifteen thousand, in a parish the population of which~~  
16 ~~is between twenty-five thousand and thirty-five thousand, within a judicial district~~  
17 ~~composed of two parishes~~ the city of Bastrop may, only with the consent of the  
18 judicial district court, issue a warrant authorizing the search for and seizure of  
19 anything within the territorial jurisdiction of the district court.

20 \* \* \*

1 Art. 211.6. Contempt; attachment of arrest for failing to appear; summons by peace  
2 officer instead of arrest

3 A. Notwithstanding any other provision of law to the contrary, in ~~any parish~~  
4 ~~having a population in excess of four hundred eighty-two thousand people as~~  
5 ~~determined by the most recent federal decennial census~~ Orleans Parish, when a peace  
6 officer serving a subpoena, summons, or notice to appear in court for a misdemeanor  
7 traffic offense or a nonviolent offense, except for possession of illegal weapons and  
8 driving under the influence, has reasonable grounds to believe that the conduct of an  
9 offender constitutes a direct contempt of court because the offender contumaciously  
10 fails to comply with such subpoena, summons, or notice to appear in court, and proof  
11 of service of the subpoena, summons, or notice appears of record, then either the  
12 court may order the offender attached and brought to court or the peace officer may  
13 issue a written citation or summons to the offender commanding him to appear and  
14 answer the direct contempt charge.

15 \* \* \*

16 Art. 324. Cash deposits

17 \* \* \*

18 B. Upon final disposition of all cases in which a deposit of money, checks,  
19 bonds, or money orders has been made pursuant to this Article, and said deposits  
20 have remained unclaimed for a period of one year from the date of ~~said~~ the final  
21 disposition, the officer authorized to accept said bail shall apply and use one-half of  
22 ~~said~~ such funds for the operation and maintenance of the office of the clerk of court,  
23 or the office of the clerk of the criminal district court, or the office of the clerk of the  
24 criminal district court in ~~parishes having a population of four hundred fifty thousand~~  
25 ~~or more~~ Orleans Parish, and one-half to the local governing authority after  
26 advertising his intention to so utilize ~~said~~ the funds by publication in the official  
27 parish journal of a notice to the public containing an itemized list of all of ~~said~~ such  
28 funds on deposit, containing the names and last known addresses of defendants and  
29 the docket numbers of the cases involved. ~~Said~~ The publication shall be made once

1 within thirty days after the final disposition of the case as aforesaid. The clerk shall  
2 also send a notice by certified mail to each of ~~said~~ such defendants at the last known  
3 address of ~~said~~ the defendant. Any interest earned on the funds deposited for bail  
4 shall be disbursed as provided in Paragraph E of this Article.

5 C. After ~~said~~ the publication and mailing of ~~said~~ the notice by certified mail,  
6 the clerk of court, or the clerk of the criminal district court in ~~parishes having a~~  
7 ~~population of four hundred fifty thousand or more~~ Orleans Parish shall petition the  
8 court of proper jurisdiction for permission to utilize ~~said~~ the funds for the use,  
9 operation, and maintenance of the office of the clerk of court or the clerk of criminal  
10 district court in ~~parishes having a population of four hundred fifty thousand or more~~  
11 Orleans Parish.

12 \* \* \*

13 Art. 336. Release conditioned on participation in pretrial drug testing program

14 \* \* \*

15 B. The court may, and in all ~~parishes~~ municipalities with a population of ~~four~~  
16 three hundred thousand or more persons shall, implement a pretrial drug testing  
17 program which shall provide for the following:

18 \* \* \*

19 Art. 404.1. Powers, duties, and functions of the board of jury commissioners in  
20 ~~parishes of four hundred seventy-five thousand or more~~ Orleans Parish

21 A. Notwithstanding any other law to the contrary, this Article shall apply to  
22 the board of jury commissioners in ~~parishes of four hundred seventy-five thousand~~  
23 ~~or more in population~~ Orleans Parish. In ~~such~~ parishes Orleans Parish, there shall  
24 be a board of jury commissioners, hereinafter referred to as "the board", composed  
25 of five members appointed by the governor, subject to confirmation of the Senate,  
26 to serve at his pleasure. The board shall meet at least once every six months and  
27 when it is ordered to do so by the court and may meet to select or supplement the  
28 general venire for grand and petit jurors. Three members shall constitute a quorum.

1           The board may select a new general venire at any meeting and shall do so when  
 2           ordered by the court.  
 3   \*           \*           \*

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)]

Wooton

HB No. 22

**Abstract:** Updates the applicability of provisions of the Code of Criminal Procedure as a result of the 2010 census.

Proposed law, contained in the Code of Criminal Procedure, legislates with regard to classifications of parishes, municipalities, or other political subdivisions or local areas according to population by enacting local bills to limit the application of laws based upon specific classifications to one or more parishes, municipalities, or other political subdivisions or local areas, by adjusting the population ranges affected by the 2010 census, and by repealing certain provisions based upon certain population classification ranges, as follows:

<b>CITATION/ TOPIC</b>	<b>EXISTING LAW</b>	<b>AFFECTED LOCATIONS</b>	<b>PROPOSED LAW</b>
C.Cr.P. Art. 161(B) - Issuance of search and seizure warrants	A city court located in a municipality with a population of between (a) 12,000 and 15,000 in a parish with a population of (b) 25,000 - 35,000, within a judicial district composed of two parishes	(a) City of Bastrop (1990, 2000 census) (b) Parish of Morehouse (1990, 2000 census)	City court located in the city of Bastrop
C.Cr.P. Art. 211.6(A) - Issuance of citation or summons for contempt by peace officer	Any parish having a population of 482,000+	Orleans Parish (2000 census)	Orleans Parish
C.Cr.P. Art. 324(B) and (C) - Use of unclaimed bail cash deposits	Criminal district court in parishes having a population of 450,000+	Orleans Parish (1990, 2000 census)	Orleans Parish

**CODING:** Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

C.Cr.P. Art. 336(B) - Pretrial drug testing programs	All parishes having a population of 400,000+	Orleans Parish (1990, 2000 census)	Any municipality with a population of 300,000+
C.Cr.P. Art. 404.1(A) - Powers and duties of jury commissioners	All parishes having a population of 475,000+	Orleans Parish (1980, 1990, 2000 census)	Orleans Parish

(Amends C.Cr.P. Arts. 161(B), 211.6(A), 324(B) and (C), 336(B)(intro. para.), and 404.1(A))