

First Extraordinary Session, 2011

HOUSE BILL NO. 40

BY REPRESENTATIVE PATRICIA SMITH

COURTS/APPELLATE: Provides for an additional judgeship for the Court of Appeal for the First Circuit (Item #7)

1 AN ACT

2 To amend and reenact R.S. 13:312.1(A), relative to the Court of Appeal for the First Circuit;
3 to provide for one additional judgeship for the Court of Appeal for the First Circuit,
4 second district; to provide for the election and term of office and those of the
5 successors to that office; to provide for jurisdiction; to provide for compensation;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:312.1(A) is hereby amended and reenacted to read as follows:

9 §312.1. Circuit court of appeal; domicile; number of judges; election

10 A. The Court of Appeal for the First Circuit, domiciled in the city of Baton
11 Rouge, shall have ~~twelve~~ thirteen judges. Four judges shall be elected from ~~each of~~
12 ~~the three districts~~ first and third districts and five judges shall be elected from the
13 second district composing the circuit by the qualified electors of each district,
14 respectively.

15 (1) However, in the first district, one judge, Division C, shall be elected from
16 election section one by the qualified electors of election section one, and one judge,
17 Division A, shall be elected from election section two by the qualified electors of
18 election section two. The remaining two judges in the first district, Divisions B and
19 D, shall be elected by the qualified electors of the entire first district.

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)]

Patricia Smith

HB No. 40

Abstract: Provides for an additional judgeship for the Court of Appeal for the First Circuit in the second district to be elected from subdistrict two.

Present law provides for 12 judges for the Court of Appeal for the First Circuit with three districts and four judges elected from each district.

Present law provides that in the second district, three judges are elected from subdistrict one and one judge is elected from subdistrict two, as per the consent judgment in "Clark v. Roemer".

Proposed law provides for one additional judgeship for the First Circuit Court of Appeal, second district, to be elected from subdistrict two.

Proposed law provides that the new judge take office on Jan. 1, 2012, that he preside over Division E for purposes of nomination and elections, and that he receive the same compensation and expense allowances as other appellate court judges.

Proposed law provides that this shall not reduce the term or jurisdiction of office of any judge of the First Circuit Court of Appeal.

(Amends R.S. 13:312.1(A))