

2016 Regular Session

HOUSE BILL NO. 600

BY REPRESENTATIVE LEGER

1 AN ACT

2 To amend and reenact R.S. 13:2492(A), (B), (D), (E), and (F), 2493(A), (B), and (C),
3 2495(B), 2495.1(A), 2496(A), 2496.2(A), 2496.3(F) and (G)(3), 2497(A), 2498,
4 2499, 2500.1(A), 2500.2, and 2501 and to repeal R.S. 13:2493(G) and 2496.1,
5 relative to the Municipal and Traffic Court of New Orleans; to provide for divisions
6 of court; to provide for qualifications of judges; to provide for the number of
7 judgeships; to provide for the salaries of judges; to provide relative to the
8 appointment of ad hoc judges; to provide relative to court reporters and other court
9 employees; to provide relative to law enforcement; to provide for an effective date;
10 and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 13:2492(A), (B), (D), (E), and (F), 2493(A), (B), and (C), 2495(B),
13 2495.1(A), 2496(A), 2496.2(A), 2496.3(F) and (G)(3), 2497(A), 2498, 2499, 2500.1(A),
14 2500.2, and 2501 are hereby amended and reenacted to read as follows:

15 §2492. Number of judges; qualifications; election; salary; vacation

16 A. The Municipal and Traffic Court of New Orleans shall consist of eight
17 judges, all of whom must be attorneys-at-law, who shall be elected by the qualified
18 electors of the parish of Orleans. They shall not be less than thirty years of age.
19 Each shall have practiced law in the state for at least ~~five~~ eight years preceding his
20 election; ~~and shall be a duly qualified elector of the parish of Orleans and shall be~~
21 domiciled in the parish of Orleans for at least two years prior to his election.

22 (1) Each of the eight judges, ~~one of whom shall be the judge of the housing~~
23 ~~court division, for the purposes of nomination and election only,~~ shall preside over
24 separate and distinct divisions of the court.

1 (2) The divisions provided for in Paragraph (1) of this Subsection shall be
2 designated alphabetically as Division "A", Division "B", Division "C", Division "D",
3 Division "E", Division "F", Division "G", and Division "H".

4 (3)(a) The judges presiding over Divisions A through D shall not engage in
5 the practice of law nor share in the profits, directly or indirectly, of any law firm or
6 legal corporation. The judges assigned to Divisions A through D shall receive a
7 salary equal to a district judge but not more salary paid, from all sources, to the
8 district court judges in and for the parish of Orleans, of which the amount payable
9 by the state to city judges of the state shall be paid by the state and the remainder
10 shall be payable by the city of New Orleans. The salary shall be payable monthly
11 by his own warrant.

12 (b)(i)(aa) Beginning at midnight on December 31, 2022, the judge presiding
13 over Division E shall not engage in the practice of law nor share in the profits,
14 directly or indirectly, of any law firm or legal corporation.

15 (bb) Beginning at midnight on December 31, 2023, the judge presiding over
16 Division F shall not engage in the practice of law nor share in the profits, directly or
17 indirectly, of any law firm or legal corporation.

18 (cc) Beginning at midnight on December 31, 2024, the judge presiding over
19 Division G shall not engage in the practice of law nor share in the profits, directly
20 or indirectly, of any law firm or legal corporation.

21 (ii) Beginning on the applicable date as provided in Item (i) of this
22 Subparagraph, a judge in Division E, F, and G shall receive a salary equal to a
23 district judge but not more salary paid, from all sources, to the district court judges
24 in and for the parish of Orleans, of which the amount payable by the state to city
25 judges of the state shall be paid by the state and the remainder shall be payable by
26 the city of New Orleans. The salary shall be payable monthly by his own warrant.

27 (4) Effective on January 1, 2017, and thereafter, the following shall occur:
28 the judge serving in Municipal Court Division A shall transfer to Division A of the

1 Municipal and Traffic Court of New Orleans; the judge serving in Municipal Court
 2 Division B shall transfer to Division E of the Municipal and Traffic Court of New
 3 Orleans; the judge serving Division C of Municipal Court shall transfer to Division
 4 C of the Municipal and Traffic Court of New Orleans; the judge serving in Division
 5 D of Municipal Court shall transfer to Division F of the Municipal and Traffic Court
 6 of New Orleans; the judge serving Division A of Traffic Court shall transfer to
 7 Division H of the Municipal and Traffic Court of New Orleans; the judge serving in
 8 Division B of Traffic Court shall transfer to Division B of Municipal and Traffic
 9 Court of New Orleans; the judge serving in Division C of Traffic Court shall transfer
 10 to Division D of the Municipal and Traffic Court of New Orleans; and the judge
 11 serving in Division D of Traffic Court shall transfer to Division G of Municipal and
 12 Traffic Court of New Orleans.

13 (5)(a) Effective at midnight on December 31, 2020, the judgeship created for
 14 Division H of the Municipal and Traffic Court of New Orleans shall be abolished.
 15 If a vacancy by death, resignation, retirement, or removal occurs in any other
 16 division of the Municipal and Traffic Court of New Orleans prior to December 31,
 17 2020, the judgeship in that division shall be abolished instead of the judgeship in
 18 Division H.

19 (b) Upon abolishment of the judgeship in Division H or the judgeship that
 20 becomes vacant by death, resignation, retirement or removal as provided by the
 21 provisions of this Section, all cases of the abolished section of court shall be
 22 reallotted equally by the clerk of court among the remaining sections of the court.

23 B. Each of the judges shall be elected for an ~~eight year~~ eight-year term at the
 24 regular congressional election held immediately preceding the expiration of such
 25 term. Every term shall expire on December thirty-first of the last year thereof. Any
 26 vacancy in the court for any cause where the unexpired term is less than one year
 27 shall be filled temporarily by appointment by the ~~governor~~ Louisiana Supreme Court
 28 until the next succeeding congressional election, at which time such vacancy shall

1 be filled for the remainder of the unexpired term by election. All judges so elected
2 shall take their office on the first day of January following their election.

3 * * *

4 D. Each of the judges of the Municipal and Traffic Court of New Orleans
5 shall have annual vacation ~~of not to exceed~~ thirty days, the time to be fixed by the
6 rules of the court.

7 E. Whenever any of the judges are temporarily absent because of court
8 business, illness, or while on vacation, a judge ad hoc may be ~~appointed by the~~
9 ~~judges of the municipal and traffic court, acting en banc,~~ selected pursuant to the
10 rules of the Louisiana Supreme Court to serve during the period of such temporary
11 absence. The judge ad hoc shall have the qualifications for election to the office, and
12 his compensation shall be ~~proportionately equal to that of the judge for whom he is~~
13 ~~appointed to serve~~ determined by the judges en banc; and shall be payable ~~in the~~
14 ~~same manner and from the same source or sources as that of such judge~~ by the city
15 of New Orleans pursuant to warrant of the judge who is temporarily absent.

16 F. The judge of the Municipal and Traffic Court of New Orleans having the
17 most seniority shall become the ~~senior and~~ administrative judge during his tenure of
18 office and shall not engage in the practice of law or share in the profits, directly or
19 indirectly, of any law firm or legal corporation. The ~~senior and~~ administrative judge
20 of the Municipal and Traffic Court of New Orleans shall possess the same
21 qualifications that are required of district court judges and shall receive a salary ~~of~~
22 ~~not less than eighteen thousand dollars per annum, but not more than~~ equal to the
23 salary paid, from all sources, to the district court judges in and for the parish of
24 Orleans. The governing authority of Orleans Parish shall determine the salary paid
25 to the ~~senior and~~ administrative judge, of which the amount payable by the state to
26 city judges of the state shall be paid by the state and the remainder shall be payable
27 by the city of New Orleans. The salary of the ~~senior and~~ administrative judge shall
28 be payable monthly on his own warrant. Should the senior judge decline the position
29 of ~~senior and~~ administrative judge then the judges of the municipal and traffic court,
30 sitting en banc, shall choose a judge to assume the position.

1 §2493. Jurisdiction

2 A. The jurisdiction of the court shall extend to the trial of violations of the
3 ordinances of the city of New Orleans, including the ~~regulation~~ enforcement of
4 traffic violations within the city of New Orleans.

5 B. The jurisdiction of the courts shall further extend to the trial of violations
6 of state statutes which are not triable by a jury, which jurisdiction shall be
7 concurrent with that of the Criminal District Court for the Parish of Orleans.

8 C. The jurisdiction of the court shall further extend to the trial of offenses
9 involving traffic and the regulation thereof punishable by state statute including
10 violations of the Criminal Code of Louisiana involving traffic and the trial of
11 violations relating to street and highway regulatory laws and such other state laws
12 as relate to the operation of a vehicle. The jurisdiction over state traffic offenses
13 shall be concurrent with the Criminal District Court for the Parish of Orleans. In
14 addition, every prosecution in the Municipal and Traffic Court of New Orleans ~~under~~
15 ~~state law~~ shall be filed in the court by affidavit or bill of information under the
16 provision of state law defining the offense ~~and such prosecution shall be brought by~~
17 ~~the city attorney of New Orleans~~. The jurisdiction of the court shall further extend
18 to appeals by any person aggrieved by an administrative hearing officer's decision
19 concerning a traffic violation enforced by the city of New Orleans' automated traffic
20 enforcement system. Any aggrieved person shall file such appeal within thirty days
21 after the date of such decision. The court shall have de novo review over such
22 appeals. The court shall adopt rules regulating the manner of taking, hearing, and
23 deciding such appeals.

24 * * *

25 §2495. Clerk of court

26 * * *

27 B. The salary of the clerk of the municipal and traffic court shall be
28 determined and set by ~~a three-fourths majority~~ of the judges of the court en banc;

1 ~~the~~ The salary shall be the same and shall be paid from the consolidated judicial
2 expense fund of the court.

3 * * *

4 §2495.1. Judicial administrator

5 A. There shall be one judicial administrator of the Municipal and Traffic
6 Court of New Orleans, who shall be appointed by the judges thereof and shall be
7 subject to removal by a majority of the judges of the court at will. The court shall
8 adopt such rules and regulations governing the functions, duties, operations, and
9 procedures of the judicial administrator's office as may be necessary. The salary and
10 benefits shall be paid by the city of New Orleans on the warrant of the ~~chief~~
11 administrative judge. If the city fails to pay the salary and benefits, they may be paid
12 from the consolidated judicial expense fund of the court.

13 §2496. ~~Minute clerk, court reporter, other~~ Court personnel; salaries

14 A. In addition to any employee otherwise provided by law, Each ~~each~~ judge
15 shall appoint ~~his own minute clerk, court reporter, and secretarial, clerical, research,~~
16 ~~administrative, or other personnel~~ four employees as the judge may deem necessary
17 to expedite the business and functions of the court and shall fix their salaries and
18 benefits.

19 * * *

20 §2496.2. Expenses of municipal and traffic court

21 A. Notwithstanding any other law to the contrary, a majority of the judges
22 of the Municipal and Traffic Court of New Orleans may authorize a payment from
23 the consolidated judicial expense fund of the court to defray any expense of the court
24 including but not limited to salary supplements for any personnel as in their
25 discretion may be necessary to expedite the business and function of the court.

26 * * *

27 §2496.3. First appearance hearing officer; appointment; salary; qualifications

28 * * *

29 F. Quarters necessary for the conduct of the office of the first appearance
30 hearing officer shall be provided by ~~the governing authority of the city of New~~

1 ~~Orleans~~ or the Municipal and Traffic Court of New Orleans. The first appearance
2 hearing officer may hold hearings at the facilities where city prisoners are
3 incarcerated.

4 G. The first appearance hearing officer shall have all such powers and duties
5 not inconsistent with the constitution and laws of this state, the constitution and laws
6 of the United States, and the rules of the Municipal and Traffic Court of New
7 Orleans, and the duties assigned to the hearing officer by the judges of that court,
8 including the following powers and duties:

9 * * *

10 (3) To sign orders including issuance of peace bonds and protective
11 orders for cases triable in the Municipal and Traffic Court of New Orleans.

12 * * *

13 §2497. Deputy clerks; appointment; salaries; removal

14 A. The clerk of the Municipal and Traffic Court of New Orleans shall
15 appoint such deputies, assistants and employees as the legislature may provide as are
16 necessary for the operation of the court. ~~There shall not be less than twenty deputy~~
17 ~~clerks and other employees of the court.~~

18 * * *

19 §2498. Appeal; proceedings; record; hearing

20 A. There shall be a right of appeal in all cases from the Municipal and
21 Traffic Court of New Orleans to the criminal district court for the parish of Orleans.
22 The appeals shall be on the law and the facts and shall be ~~tried by the judge~~ reviewed
23 by the appellate division of the criminal district court to whom the appeal shall be
24 allotted upon the records made and the evidence offered in the Municipal and Traffic
25 Court of New Orleans. The criminal district court shall have general and supervisory
26 jurisdiction over the Municipal and Traffic Court of New Orleans, and may issue
27 such writs and orders as may be necessary in aid of its appellate and supervisory
28 jurisdiction.

29 B. ~~The court reporters of the court shall, in all cases, take down the~~
30 ~~testimony verbatim. The stenographic notes need not be written out unless an appeal~~

1 is taken, in which case the testimony shall be written out and signed by the judge.
 2 In cases of appeal the clerk shall prepare the record for the appellate court. This will
 3 consist of the affidavit bond, testimony and every document, instrument, property
 4 or thing whatsoever in possession of the court, filed in the trial of the case, together
 5 with the ordinance or ordinances on which the prosecution is based. The clerk shall
 6 make, in duplicate, a list of each specific thing, whose correctness shall be certified
 7 to by the judges to one of the lists. This record, and all it contains, and the signed list
 8 shall then be filed with the clerk of the criminal district court who will receipt for
 9 same after signing the other list. When the appeal is taken it divests the Municipal
 10 and Traffic Court of New Orleans from all further jurisdiction in the case. The
 11 judges shall appoint a competent court reporter to take the evidence in any case in
 12 which it is necessary to do so under the law applicable to district courts, unless the
 13 parties waive the appointment of a reporter. At the request of any party, the judges
 14 shall order the transcription of the testimony taken by the court reporter. Upon
 15 completion of the renovation to the Municipal and Traffic Court of New Orleans and
 16 proper integration of technology, digital recording procedures may be used by the
 17 assigned court reporter.

18 C. In all appeals, the appeal shall be heard by one of the judges of the
 19 criminal district court. No appeal shall be taken except when taken on the day of
 20 sentence. All appeals taken from the judgment of the Municipal and Traffic Court
 21 of New Orleans shall be by oral or written motion in open court, and they shall be
 22 returnable to the criminal district court within five days. Upon application to the
 23 appellate court, this term may, in case of necessity, be extended.

24 D. In no case shall the appellant be responsible for any error, omission, or
 25 oversight in the record of the appeal.

26 §2499. Quarters, furniture, and stationery; police detail

27 The city of New Orleans shall provide suitable rooms, furniture, stationery,
 28 and other operating expenses for the Municipal and Traffic Court of New Orleans,
 29 and the Orleans Parish Sheriff's Office, the city constable, or department of police
 30 of the city of New Orleans shall detail, subject to such rules as it may adopt, the

1 clerk of the Municipal and Traffic Court of New Orleans to be used by the court to
2 defray its expenses.

3 ~~(2) The Municipal and Traffic Court of New Orleans shall by court rule~~
4 ~~provide procedures for the timely collection and accounting of the fees imposed by~~
5 ~~this Section. All fees collected under this Section shall be remitted to the municipal~~
6 ~~and traffic court judicial administrator for deposit into a special fund designated as~~
7 ~~the municipal and traffic court consolidated judicial expense fund.~~

8 ~~€.~~ In all prosecutions in the Municipal and Traffic Court of New Orleans,
9 including all traffic violations other than parking, there ~~shall~~ may be ~~taxed~~ assessed
10 as additional costs against every defendant for every offense who is convicted after
11 trial or plea of guilty or nolo contendere or who forfeits his bond, a sum not to
12 exceed thirty dollars, which shall be in addition to all other fines, costs, or forfeitures
13 lawfully imposed and which shall be transmitted to the consolidated judicial expense
14 fund of the Municipal and Traffic Court of New Orleans to be used by the court to
15 defray its expenses.

16 * * *

17 §2501. Fines imposed remitted monthly to city treasurer

18 Each judge of the Municipal and Traffic Court of New Orleans shall ensure
19 that all fines ~~imposed by him~~ are collected are ~~and~~ remitted monthly to the city
20 treasurer of New Orleans.

21 Section 2. R.S. 13:2493(G) and 2496.1 are hereby repealed in their entirety.

22 Section 3. To promote judicial efficiency, the judges of the Municipal and Traffic
23 Court of New Orleans shall have the flexibility of determining the number of judges who
24 shall preside over matters involving violations of ordinances of the city of New Orleans and
25 matters involving traffic violations, provided that the total number of judges does not exceed
26 that provided in R.S. 13:2492.

1 Section 4. The provisions of this Act shall become effective on January 1, 2017.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____