

Regular Session, 2010

HOUSE BILL NO. 690

BY REPRESENTATIVE MONICA

COURTS/JUSTICE OF PEACE: Authorizes certain constables to have parishwide jurisdiction

1 AN ACT

2 To enact R.S. 13:2586(G) and (H), relative to jurisdiction of constables of justice of the
3 peace courts; to provide that certain constables shall have criminal jurisdiction to
4 issue summons and serve subpoenas parishwide; to provide for limitations; to extend
5 the jurisdiction of the constables in civil matters for specified service of processes
6 parishwide; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:2586(G) and (H) are hereby enacted to read as follows:

9 §2586. Jurisdiction and procedure

10 * * *

11 G. A constable of a justice of the peace court in criminal matters is
12 authorized to issue summons, citations, serve subpoenas, and make arrests anywhere
13 in the parish in which the justice of the peace court is situated if all of the following
14 conditions are satisfied:

15 (1) The constable is P.O.S.T. certified.

16 (2) The office of constable has liability insurance in force in an amount of
17 at least two hundred and fifty thousand dollars.

18 (3) The constable has at a minimum of four years of verifiable experience
19 as a full-time or reserve deputy sheriff or municipal police officer or other full-time
20 peace officer.

- 1 (4) The constable is current and accredited with all training mandated by law
 2 for a constable of a justice of the peace court.
- 3 H. A constable of the justice of the peace court in civil matters is authorized
 4 to effectuate service of process within the parish where his justice of the peace court
 5 is located on processes from a requesting constable from another parish or for a
 6 constable from his own parish who requests that he perform service of process on his
 7 behalf.

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)]

Monica

HB No. 690

Abstract: Authorizes a constable of a justice of the peace court in criminal matters to issue summons, citations, serve subpoenas, and make arrests anywhere in the parish in which the justice of the peace court is situated if all of the specified conditions are met and, in civil matters, extends his jurisdiction parishwide for certain services of process.

Present law provides that a justice of the peace court has criminal jurisdiction parishwide as a committing magistrate and shall have the power to bail or discharge, in non-capital cases or cases necessarily punishable at hard labor, and may require bonds to keep the peace.

Present law provides that a justice of the peace court shall have concurrent jurisdiction over litter violations occurring anywhere in the parish in which the court is situated and a constable may issue summons and serve subpoenas for such violations occurring anywhere in the parish in which his court is situated.

Present law provides that a constable of a justice of the peace court shall have authority parishwide to enforce a judgment of the justice of the peace court and is authorized to effectuate service of process within the parish of that court for any case before that court.

Proposed law provides that a constable of a justice of the peace court in criminal matters is authorized to issue summons, citations, serve subpoenas, and make arrests anywhere in the parish in which the justice of the peace court is situated if all of the following conditions are satisfied:

- (1) The constable is P.O.S.T. certified.
- (2) The office of constable has liability insurance in force in an amount of at least \$250,000.
- (3) The constable has at a minimum of four years of verifiable experience as a full-time or reserve deputy sheriff or municipal police officer or other full-time peace officer.
- (4) The constable is current and accredited with all training mandated by law for a constable of a justice of the peace court.

Proposed law authorizes a constable of the justice of the peace court in civil matters to effectuate service of process within the parish where his justice of the peace court is located for a requesting constable from another parish or for a constable from his own parish who requests that he perform service of process on his behalf.

(Adds R.S. 13:2586(G) and (H))