

Regular Session, 2012

SENATE BILL NO. 349

BY SENATOR MURRAY

CIVIL PROCEDURE. Provides relative to monetary threshold necessary to request a jury trial. (gov sig)

1 AN ACT

2 To amend and reenact Code of Civil Procedure Art. 1732(1), relative to limitation on jury  
3 trial; to provide relative to the monetary threshold necessary to request a jury trial;  
4 to provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Art. 1732(1) is hereby amended and reenacted  
7 to read as follows:

8 Art. 1732. Limitation upon jury trials

9 A trial by jury shall not be available in:

10 (1) A suit where the amount of no individual petitioner's cause of action  
11 ~~exceeds fifty thousand dollars exclusive of interest and costs~~ **exceeds that amount**  
12 **equal to an amount in controversy as set forth in 28 U.S.C. 1332(a) concerning**  
13 **diversity jurisdiction in federal civil cases, exclusive of interest and costs.**

14 \* \* \*

15 Section 2. This Act shall become effective upon signature by the governor or, if not  
16 signed by the governor, upon expiration of the time for bills to become law without signature  
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Angela L. De Jean.

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DIGEST

Present law provides that a trial by jury shall not be available in suits where the amount of no individual's cause of action exceeds \$50,000 exclusive of interest and costs.

Proposed law provides that a trial by jury shall not be available in suits where the amount of no individual's cause of action exceeds that amount equal to an amount in controversy as set forth in 28 U.S.C. 1332(a) concerning diversity jurisdiction in federal civil cases, exclusive of interest and costs.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.C.P. Art. 1732(1))