

Regular Session, 2012

ACT No. 290

HOUSE BILL NO. 1145

BY REPRESENTATIVE FOIL AND SENATORS CLAITOR AND DORSEY-COLOMB

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 2166 and 2167 and Children's Code
3 Article 1143(C)(1), (2), and (3) and (D)(1), to enact Children's Code Article 1143(E),
4 and to repeal R.S. 13:4446, relative to appellate procedure; to provide for notices of
5 judgment; to provide for electronic and facsimile transmission; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Articles 2166 and 2167 are hereby amended and
9 reenacted to read as follows:

10 Art. 2166. Rehearing, court of appeal judgment; finality; stay

11 A. Within fourteen days of the ~~mailing~~ transmission of the notice of the
12 judgment ~~and opinion~~ of the court of appeal, a party may apply to the court of appeal
13 for a rehearing. Within thirty days of the ~~mailing~~ transmission of the notice of the
14 judgment ~~and opinion~~ of the court of appeal, a party may apply to the supreme court
15 for a writ of certiorari. The judgment of a court of appeal becomes final and
16 definitive if neither an application to the court of appeal for rehearing nor an
17 application to the supreme court for a writ of certiorari is timely filed.

18 B. ~~If~~ When any party files a timely application to the court of appeal for a
19 rehearing, ~~then~~ the time within which any other party may apply to the supreme court
20 for a writ of certiorari shall be extended until thirty days of the ~~mailing~~ transmission
21 of the notice of a denial of rehearing.

22 C. ~~If~~ When a timely application for rehearing has been filed in the court of
23 appeal and the court of appeal denies the application, the judgment becomes final

1 and definitive unless an application for writ of certiorari to the supreme court is filed
 2 within thirty days of the ~~mailing~~ transmission of the notice of a denial of rehearing.

3 D. ~~If~~ When a party files a timely application for a writ of certiorari to the
 4 supreme court within the delays ~~allowed~~ provided in this Article, any other party
 5 may also apply for certiorari to the supreme court within thirty days of the ~~mailing~~
 6 transmission of the notice of judgment ~~and opinion~~ of the court of appeal or within
 7 ten days of the ~~mailing~~ transmission by the supreme court clerk of the notice of first
 8 application for certiorari in the case, whichever is later.

9 E. ~~If~~ When an application for certiorari to the supreme court is timely filed,
 10 a judgment of the court of appeal becomes final and definitive when the supreme
 11 court denies the application for certiorari. The supreme court may stay the execution
 12 of the judgment of the court of appeal pending a timely application for certiorari or
 13 an appeal to the United States Supreme Court.

14 F. For the purposes of this Article, "transmission of the notice" means the
 15 sending of the notice via the United States Postal Service, electronic mail, or
 16 facsimile.

17 Art. 2167. Rehearing, supreme court judgment; finality; stay

18 A. Within fourteen days of the ~~mailing~~ transmission of the notice of
 19 judgment in the supreme court, a party may apply to the court for a rehearing.

20 B. A judgment of the supreme court becomes final and definitive when the
 21 delay for application for rehearing has expired and no timely application therefor has
 22 been made.

23 C. When an application for rehearing has been applied for timely, a
 24 judgment of the supreme court becomes final and definitive when the application is
 25 denied. The supreme court may stay the execution of the judgment pending a timely
 26 application for certiorari or an appeal to the United States Supreme Court.

27 D. For the purposes of this Article, "transmission of the notice" means the
 28 sending of the notice via the United States Postal Service, electronic mail, or
 29 facsimile.

1 E. For the purposes of this Article, "transmission of the notice" means the
2 sending of the notice via the United States Postal Service, electronic mail, or
3 facsimile.

4 Section 3. R.S. 13:4446 is repealed in its entirety.

5 Section 4. Sections 1, 2, and 3 of this Act shall become effective on January 1, 2013.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____