
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

SB 245 Original

2021 Regular Session

Bernard

Present law (Art. 1734) requires generally that when the case has been set for trial, the court fix the amount of the bond to cover all costs related to the trial by jury and fix the time for filing the bond, which shall be no later than 60 days prior to trial. Requires that notice of the fixing of the bond be served on all parties. Provides that if the bond is not filed timely, any other party shall have an additional 10 days to file the bond. Requires that when the bond has been filed, the clerk of court order the jury commission to draw a sufficient number of jurors to try and determine the cause, such drawing to be made in accordance with law.

Proposed law provides that the costs are to be estimated by the court or clerk of court, as the case may be. Otherwise retains present law.

Present law (Art. 1734.1) provides that when the case has been set for trial, the court may order, in lieu of the bond required in Article 1734, a deposit for costs, which shall be a specific cash amount, and the court shall fix the time for making the deposit, which shall be no later than 30 days prior to trial. Requires that the required deposit not exceed \$2,000 for the first day and \$400 per day for each additional day the court estimates the trial will last.

Proposed law requires that the court fix the time for making the deposit, which shall be no later than 60 days prior to trial and increases the maximum deposit to \$15,000 for the first day, or above \$10,000 for the first day if a \$5,000 deposit was required and has been made pursuant to C.C.P. Art. 1733(A)(2)(a), and \$1,000 per day for each additional day the court estimates the trial will last. Further provides that a deposit above the applicable stated maximum amount for the first day may be ordered by the court upon contradictory motion of the clerk of court, on a showing that amount is insufficient. Requires that when the deposit has been filed, the clerk of court order the jury commission to draw a sufficient number of jurors to try and determine the cause, such drawing to be made in accordance with law.

Present law provides that the clerk of court may disburse funds from the cash deposit for payment of all or a part of the jury costs as such costs accrue. Proposed law requires the clerk to disburse funds for the payment of costs as costs accrue.

Present law requires that the clerk keep a record of funds disbursed by him from the cash deposit. Authorizes the court to require an additional amount to be filed during the trial if the original amount of the cash deposit is insufficient to pay jury costs. Requires that funds disbursed from the cash deposit for payment of jury costs be assessed as costs of court. Requires that after payment of all jury costs, any unexpended amounts remaining in the deposit be refunded by the clerk to the party filing the cash deposit. Proposed law requires that any unexpended amounts remaining on deposit be refunded by the clerk of court to the party or attorney filing the deposit. Otherwise retains present

law.

Effective August 1, 2021.

(Amends C.C.P. Arts. 1734(A) and 1734.1)