



1 establishment or maintenance of a law library for the court, or the purchase or  
2 maintenance of any type of equipment or supplies.

3 Section 2. R.S. 15:1093(A) is hereby amended and reenacted to read as follows:

4 §1093. Juvenile detention centers; special court costs

5 A. The district court in any parish which is also contained within the  
6 jurisdiction of any juvenile detention center ~~may levy special costs in the amount of~~  
7 ~~fifty dollars against every defendant who is convicted of a felony after trial or who~~  
8 ~~enters a plea of guilty or nolo contendere or forfeits bond, excluding traffic offenses~~  
9 ~~and misdemeanors shall not levy special costs against a defendant who is adjudicated~~  
10 delinquent, convicted of a felony, or who enters a plea of guilty or nolo contendere  
11 or forfeits bond.

12 \* \* \*

13 Section 3. R.S. 47:299.1 is hereby amended and reenacted to read as follows:

14 299.1. Purpose

15 A. The purpose of this Part is to establish a system to permit agencies of the  
16 state of Louisiana to make a claim of offset to the secretary of revenue against any  
17 amounts refundable to an individual because of overpayments of Louisiana  
18 individual income taxes for debts owed by the individual to such agencies. It is the  
19 intention of the legislature that this offset remedy be in addition to and not in  
20 substitution of any other remedy or action provided for by law in favor of such  
21 agency for the collection of debts.

22 B. Any debts resulting from a delinquency adjudication are exempted from  
23 the provisions of this Section.

24 C. Any debts resulting from the conviction of a person who was a child at  
25 the time of the offense are exempt from the provisions of this Section.

26 Section 4. Children's Code Articles 320(A), 335(D), 405(B), 607(C), 774(B),  
27 781.1(A), 793.4(A), 809(A), 811.2, 839(C), 848, 868(B), 888(C), 896(G), 897(B)(2)(g), and  
28 899(B)(introductory paragraph) and (2)(g) are hereby amended and reenacted to read as  
29 follows:

1 Art. 320. Indigency determination

2 A. For purposes of the appointment of counsel, children are presumed to be  
3 indigent, regardless of court jurisdiction.

4 \* \* \*

5 Art. 335. Preparation of record; costs

6 \* \* \*

7 D. If a child, or the parent or guardian of the child, desires a transcript for  
8 appeal, ~~he or his parents shall pay the cost of transcription of the record unless the~~  
9 ~~court determines that the child and his parents lack means to pay such cost~~ one shall  
10 be provided at no expense to the child, or the parent or guardian of the child.

11 \* \* \*

12 Art. 405. Court or witness fees; travel expenses

13 \* \* \*

14 B. The court may authorize the payment of necessary travel expenses to  
15 witnesses attending in response to summons. Travel expenses, when authorized by  
16 the court, shall be paid from the general fund of the parish or other funds available  
17 to the court. Except in proceedings initiated by the state, the court may authorize the  
18 payment of curator expenses and fees, which, if so authorized, shall be fixed by the  
19 court and paid by petitioners, unless the petitioner is a child or the parent or guardian  
20 of a child petitioner. In such a case, no fees shall be assigned to the child or the  
21 parent or guardian of the child.

22 \* \* \*

23 Art. 607. Child's right to appointed counsel; payment

24 \* \* \*

25 C. ~~If the court finds that the parents of the child are financially able, it may~~  
26 ~~order the parents to pay some or all of the costs of the child's representation in~~  
27 ~~accordance with Children's Code Articles 320 and 321. Representation shall be~~  
28 provided to the child at no expense to the child, or the parent or guardian of the child.

29 \* \* \*

1 Art. 774. Physical and mental examination for disposition

2 \* \* \*

3 B. ~~After giving the caretaker a reasonable opportunity to be heard, the court~~  
4 ~~may order that he shall contribute to the cost of any court-ordered examination or~~  
5 ~~evaluation in an amount commensurate with his ability to pay. The child, or the~~  
6 ~~parent or guardian of the child, shall not be responsible for the costs arising from an~~  
7 ~~order for a physical or mental examination.~~

8 \* \* \*

9 Art. 781.1. Probation and parole supervision fees

10 A. When the court suspends the imposition or execution of sentence and  
11 places the child or his parent or both on supervised probation or grants the child  
12 supervised parole, and the probationer or parolee is to be supervised by the  
13 Department of Public Safety and Corrections or any other agency, ~~the court shall~~  
14 ~~order payment, as a condition of probation or parole, of a monthly supervision fee.~~  
15 ~~The supervision fee imposed shall be not less than ten nor more than one hundred~~  
16 ~~dollars per month and shall be payable to the department or other supervising agency~~  
17 ~~to defray the costs of supervision. These funds are only to supplement the level of~~  
18 ~~funds that would ordinarily be available from regular state or other appropriations~~  
19 ~~the court shall not order the child or the parent or guardian of the child to pay any~~  
20 ~~supervision fees as a condition of probation or parole.~~

21 \* \* \*

22 Art. 793.4. Early intervention fund; fees collected

23 A. In all criminal matters except for matters involving traffic violations in  
24 the parishes of East Baton Rouge, Iberia, St. Mary, and St. Martin, there shall be  
25 taxed against every defendant who is convicted after trial or after a plea of guilty or  
26 nolo contendere or who forfeits his bond, a sum in the amount of twenty-five dollars  
27 for each misdemeanor and fifty dollars for each felony, which shall be in addition to  
28 all other fines, costs, or forfeitures lawfully imposed, and which shall be transmitted  
29 to the sheriff of the respective parish for further disposition in accordance with the

1 provisions of this Article. No taxes or fees may be imposed on any person who was  
 2 under eighteen years of age when committing acts for which the person was  
 3 adjudicated delinquent or convicted after trial or after a plea of guilty or nolo  
 4 contendere or who forfeits his bond in any parish, or the parent or guardian of the  
 5 person.

6 \* \* \*

7 Art. 809. Right to counsel

8 A. At every stage of proceedings under this Title, the accused child shall be  
 9 entitled to the assistance of counsel at state expense. The court shall appoint counsel  
 10 or refer the child for representation by the district public defender. Neither the child  
 11 nor the parent or guardian of the child shall be responsible for payment of any  
 12 portion of the costs of the child's representation.

13 \* \* \*

14 Art. 811.2. ~~Victims of juvenile crime compensation fund; established;~~  
 15 ~~disbursements~~ Special costs levied against a child

16 ~~A. All courts exercising juvenile jurisdiction may levy a special cost in an~~  
 17 ~~amount not to exceed fifteen dollars against any juvenile defendant, other than an~~  
 18 ~~indigent, who is found to have committed a traffic violation resulting in injury or~~  
 19 ~~property loss, or who pleads guilty to or is adjudicated convicted of a juvenile~~  
 20 ~~offense. Such cost shall be in addition to any fine, clerk's fees or costs, or any other~~  
 21 ~~fees or costs provided by law.~~

22 ~~B. The clerk of court shall remit two-thirds of the sums collected or received~~  
 23 ~~pursuant to this Article for deposit in a special account which is hereby designated~~  
 24 ~~as the Victims of Juvenile Crime Compensation Fund. The fund shall be used to~~  
 25 ~~compensate victims of juvenile crimes who do not otherwise receive restitution or~~  
 26 ~~reparation. The judges of the courts exercising juvenile jurisdiction shall have~~  
 27 ~~control over the fund and disbursements made therefrom. The judges shall cause to~~  
 28 ~~be conducted annually an audit of the fund and the books and accounts relating~~

1       ~~thereto and shall file the same with the office of the legislative auditor, where it shall~~  
2       ~~be available for public inspection.~~

3               ~~C. The judges shall provide by court rule for the collection, administration,~~  
4       ~~and distribution of the fund in order to implement the purpose of this Article.~~  
5       ~~However, no amount greater than five hundred dollars shall be disbursed from the~~  
6       ~~fund to any one claimant.~~

7               ~~D. The clerk of court shall remit one-third of the total sums collected or~~  
8       ~~received pursuant to this Article monthly to the Crime Victims Reparations Fund as~~  
9       ~~provided in R.S. 46:1801 et seq.~~

10               No special costs shall be levied against any child who pleads guilty to or is  
11       convicted of or adjudicated delinquent for any offense, or against the parent or  
12       guardian of the child, except for matters involving traffic violations or child support.

13                               \*       \*       \*

14       Art. 839. Availability of an informal adjustment agreement

15                               \*       \*       \*

16               C. When entering an informal adjustment agreement, the court may, with  
17       concurrence of the district attorney, utilize or initiate a teen or youth court program,  
18       but shall not and may assess a fee to a participant in the program, or the parent or  
19       guardian of the participant to offset costs.

20                               \*       \*       \*

21       Art. 848. Notice of right to counsel; form

22                               "NOTICE

23                               RIGHT TO COUNSEL

24               Under the laws of Louisiana, every child accused of delinquency is entitled  
25       to have a lawyer to be present and to assist the child to answer the attached petition.  
26       A child is entitled to be represented by a lawyer at every stage of proceedings in the  
27       juvenile court, including the right to appeal from any judgment of disposition which  
28       might be ordered by the court.







1 Art. 899. Disposition after adjudication of a misdemeanor-grade delinquent act

2 \* \* \*

3 B. As conditions of probation, if ordered pursuant to Subparagraph A(3) of  
4 this Article:

5 \* \* \*

6 (2) The court may impose any other term and condition deemed in the best  
7 interests of the child and the public, including:

8 \* \* \*

9 (g) ~~A requirement that the child pay a monthly supervision fee of not less  
10 than ten nor more than one hundred dollars per month, payable to the Department of  
11 Public Safety and Corrections or other supervising agency, to defray the cost of  
12 supervision. The court may order a parent, tutor, guardian, or other person who is  
13 financially responsible for the care of the child to be responsible for payment of all  
14 or part of any supervision fee imposed. No supervision fee of any amount shall be  
15 required of the child or of any adult who is financially responsible for the care of the  
16 child.~~

17 \* \* \*

18 Section 5. Code of Criminal Procedure Article 887(I) is hereby enacted to read as  
19 follows:

20 Art. 887. Defendant's liability for costs; suspension of costs; no advance costs

21 \* \* \*

22 I. Paragraphs A through H of this Article shall not be construed to authorize  
23 any jurisdiction or agency to impose costs of prosecution or proceeding on any  
24 juvenile delinquent or any juvenile convicted as an adult, or on the parent or  
25 guardian of any juvenile delinquent or the parent or guardian of any juvenile  
26 convicted as an adult.

27 Section 6. R.S. 15:910, 1086, 1094.7, and 1097.7, and Children's Code Articles 321,  
28 405(D), (E), and (F), 781.1(B), 783, 901.1, and 924(B) and (C) are hereby repealed in their  
29 entirety.

1 Section 7. The provisions of this Act shall not be applicable to the enforcement of  
2 fines or restitution in juvenile delinquency cases.

3 Section 8. The Louisiana State Law Institute is hereby authorized and directed to  
4 review and make necessary changes to the cross-reference in Children's Code Article 405(G)  
5 to Chapter 2 of Title XIII of the Children's Code.

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### 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)]

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HB 216 Reengrossed

2021 Regular Session

Duplessis

**Abstract:** Eliminates administrative fees, costs, and taxes related to juvenile delinquency cases.

Under present law, courts are required or allowed to assess administrative fees, costs, and taxes in juvenile delinquency cases. Courts impose these fees, costs, and taxes on juveniles or their parents or guardians.

Present law establishes a judicial expense fund for the juvenile courts for Caddo Parish, Orleans Parish, and East Baton Rouge Parish.

Present law allows the fund for the juvenile courts for Caddo Parish, Orleans Parish, and East Baton Rouge Parish to be used for any operating expenses of the courts. Monies for the fund are generated through court fines and court assessed fees and court costs.

Present law allows juvenile detention centers to levy a special cost against a defendant who is convicted of a felony after trial or who enters a plea of guilty or nolo contendere or forfeits bond, excluding traffic offenses and misdemeanors.

Present law also allows for an amount to be deducted from any fine imposed prior to disposition of the fine in lieu of imposing such special costs.

Present law provides that in the parishes of Bienville, Claiborne, DeSoto, Natchitoches, Red River, Sabine, and Webster, in all courts exercising juvenile jurisdiction, special costs in the amount of \$50 shall be levied against every juvenile who is found to have committed a traffic violation or who is adjudicated a delinquent.

Present law provides that the child or the parents or guardians are responsible for the following fees, costs, or taxes, including but not limited to:

- (1) Probation and parole supervision fees.
- (2) Supervision fees associated with the disposition after adjudication of misdemeanor and felony grade delinquent acts.
- (3) Teen or youth court program fee.
- (4) Physical and mental examination fee following an adjudication or for disposition.
- (5) Fees related to lawyer's services when the court appoints a lawyer.

- (6) Special costs against any juvenile defendant who is found to have committed a traffic violation resulting in an injury or property loss or who pleads guilty to or is convicted of a juvenile offense.
- (7) Taxes against every defendant who is convicted after trial or after a plea of guilty or nolo contendere or who forfeits his bond in all criminal matters except for matters involving traffic violations in the parishes of East Baton Rouge, Iberia, St. Mary, and St. Martin.
- (8) Parent's contribution to costs of care and treatment.
- (9) Fee for a copy of the child's transcript for appeal.
- (10) Curator expenses and fees to be paid by the petitioners.

Proposed law eliminates certain fees, costs, and taxes in juvenile delinquency cases, and specifies that proposed law is applicable to persons under 18 years of age.

Proposed law provides an exception from proposed law for matters involving traffic violations or child support.

Proposed law authorizes and directs the La. State Law Institute to review and make necessary changes to cross-references in present law.

Proposed law provides that the provisions of this Act shall not be applicable to the enforcement of fines or restitution in juvenile delinquency cases.

(Amends R.S. 15:1093(A), R.S. 47:299.1, and Ch.C. Arts. 320(A), 335(D), 405(B), 607(C), 774(B), 781.1(A), 793.4(A), 809(A), 811.2, 839(C), 848, 868(B), 888(C), 896(G), 897(B)(2)(g), and 899(B)(intro. para.) and (2)(g); Adds R.S. 13:1595.3(C) and C.Cr.P. Art. 887(I); Repeals R.S. 15:910, 1086, 1094.7, and 1097.7, and Ch.C. Arts. 321, 405(D), (E), and (F), 781.1(B), 783, 901.1, and 924(B) and (C))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

- 1. Make technical changes.
- 2. Specify no taxes and costs be assessed in a juvenile delinquency proceeding.
- 3. Remove proposed law changes to Ch.C. Art. 405(G) relative to imposing fees against the child.
- 4. Reinsert present law (Ch.C. Art. 793.4).
- 5. Specify applicability of proposed law to persons under 18 years of age.
- 6. Prohibit taxes from being levied against any child.
- 7. Provide an exception from proposed law for matters involving traffic violations or child support.