



Present law provides relative to the court's determination of substantial financial hardship to the defendant. Present law further provides that financial obligations should not create a barrier to the offender's successful rehabilitation and reentry into society, and that financial obligations in excess of what an offender can reasonably pay undermine the primary purpose of the justice system which is to deter criminal behavior and encourage compliance with the law. Present law further provides that financial obligations that cause undue hardship on the offender should be waived, modified, or forgiven.

Proposed law retains present law and adds that, notwithstanding any other provision of present law to the contrary, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court, the court is to inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. Proposed law further provides that if the court determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the court is to determine whether the fine and costs should be:

- (1) Required to be paid at some later date or in a specified portion at designated intervals.
- (2) Discharged by performing community service under any applicable provision of present law.
- (3) Waived in full or in part.
- (4) Satisfied through any combination of methods provided for in items (1) through (3) above.

Present law provides that present law provisions relative to financial hardship determinations applies only to defendants convicted of offenses classified as felonies.

Proposed law deletes present law.

Present law provides that a defendant who is convicted of an offense or owes a duty of support in a support proceeding is liable for all costs of the prosecution or proceeding, whether or not costs are assessed by the court, and such costs are recoverable by the party or parties who incurred the expense. Present law further provides that such defendant or person is not liable for costs if acquitted or if the prosecution or proceeding is dismissed. Present law further provides that any judge of a district court, parish court, city court, traffic court, juvenile court, family court, or magistrate of a mayor's court within the state is authorized to suspend court costs.

Proposed law retains present law and adds that a defendant charged with a misdemeanor for which the maximum possible punishment is a fine may, in lieu of any other method provided by present law, mail or deliver in person to the court a plea of "guilty" or a plea of "nolo contendere" and a waiver of jury trial if otherwise so entitled. Proposed law further provides that the defendant may also request in writing that the court notify the defendant of the amount of any appeal bond that the court will approve. Proposed law further provides that if the court receives a plea and waiver before the time the defendant is scheduled to appear in court, the court is to dispose of the case without requiring a court appearance by the defendant. Proposed law further provides that if the court receives a plea and waiver after the time the defendant is scheduled to appear in court but at least

five business days before a scheduled trial date, the court is to dispose of the case without requiring a court appearance by the defendant. Proposed law further provides that the court is to notify the defendant either in person or by regular mail of the amount of any fine or costs assessed in the case, information regarding the alternatives to the full payment of any fine or costs assessed against the defendant (if the defendant is unable to pay that amount), and, if requested by the defendant, the amount of an appeal bond that the court will approve. Proposed law further provides that, except as otherwise provided by present law, the defendant must pay any fine or court costs assessed or give an appeal bond in the amount stated in the notice before the 31st day after receiving the notice.

Effective August 1, 2020.

(Amends C.Cr.P. Art. 875.1(A) and 887(A); adds C.Cr.P. Art. 202(H) and 211(E); repeals C.Cr.P. Art. 875.1(G))