
HOUSE COMMITTEE AMENDMENTS

2020 Regular Session

Amendments proposed by House Committee on Judiciary to Original House Bill No. 842
by Representative HilfertyAMENDMENT NO. 1

On page 1, line 3, after "R.S. 16:16.3(A), and" delete the remainder of the line and insert "R.S. 22:822(A) and (B)(3), to enact R.S. 13:1381.5(B)(2)(e), and to repeal R.S. 13:1377,"

AMENDMENT NO. 2

On page 1, line 18, after "reenacted" and before "to" insert "and R.S. 13:1381.5(B)(2)(e) is hereby enacted"

AMENDMENT NO. 3

On page 3, delete lines 20 and 21 in their entirety and insert the following:

"(a)(i) ~~Forty~~ Twenty percent of all funds received to the Orleans Parish ~~criminal district court's judicial expense fund~~ court.

(ii) The funds received by the court pursuant to this Subparagraph shall be deposited into a special escrow account, retained for one year, and shall then be disbursed to the city of New Orleans to be used in defraying the expenses of the criminal justice system in Orleans Parish.

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(e) Twenty percent of all funds received to the Clerk of the Criminal District Court Expense Fund for the parish of Orleans."

AMENDMENT NO. 4

On page 4, delete lines 13 through 27 in their entirety and insert the following:

"D.(1) All fines and forfeitures, including forfeitures of criminal bail bonds, imposed in criminal cases and prosecutions by the courts of Orleans Parish and any payments ordered as a condition of probation under Code of Criminal Procedure Article 895.1(B)(2) shall, upon collection, be paid to the criminal sheriff of Orleans Parish who shall deposit same in a special account, and shall thereafter be divided equally between the district attorney of Orleans Parish and the criminal district court of Orleans Parish ~~in two special accounts, one account to be administered by the judges of the criminal district court of Orleans Parish, and the other.~~

(2) The portion provided to the district attorney of Orleans Parish pursuant to this Subsection shall be deposited into a special account to be administered by the district attorney of Orleans Parish to be used in defraying the expenses of the criminal courts of the parish, extraditions, and such other expenses pertaining to the operation of the criminal court of Orleans Parish and the office of the district attorney of Orleans Parish.

(3) The portion provided to the criminal district court of Orleans Parish pursuant to this Subsection shall be deposited into a special escrow account and retained for one year and shall then be disbursed to the city of New Orleans to be used in defraying the expenses of the criminal justice system of the parish, extraditions, and other expenses pertaining to the operation of the criminal justice system of Orleans Parish.

(4) Disbursements from the criminal sheriff's account to the criminal district court and district attorney shall be made on an equal basis. ~~Said and~~

1 the accounts shall be annually audited by the director of finance of the city
2 of New Orleans."

3 AMENDMENT NO. 5

4 On page 5, line 9, after "Section 4." and before "hereby" change "R.S. 22:822(B)(3) is" to
5 "R.S. 22:822(A) and (B)(3) are"

6 AMENDMENT NO. 6

7 On page 5, delete line 11 in its entirety and insert the following:

8 "A. ~~There shall be a fee on~~ On premiums for all commercial surety
9 underwriters who write criminal bail bonds in the state of Louisiana, as
10 follows:

11 (1) ~~Except in the parish of Orleans, the~~ there shall be a fee shall be
12 equal to two dollars for each one hundred dollars worth of liability
13 underwritten by the commercial surety. Except as authorized under the
14 provisions of R.S. 13:718(I)(2), this shall be the exclusive fee or tax on any
15 criminal bail bond premium, including thereto premium taxes owed. In
16 furtherance of the payment of this premium fee all commercial surety
17 underwriters underwriting criminal bail bonds in the state of Louisiana shall,
18 upon submitting the appearance bond and their power of attorney,
19 simultaneously pay to the sheriff of the parish, except in the parish of
20 Orleans, a fee of two dollars for each one hundred dollars worth of liability
21 on the bail bond being presented for the release of a person on bail. Failure
22 to pay the fee shall prevent the sheriff from accepting the appearance bond
23 and power of attorney. The sheriff may receive the fee by check or cash and
24 shall only accept it from the surety or the agent of the surety. In the event a
25 surety or agent of the surety presents payment of the fee by an instrument
26 which is returned for insufficient funds, the agent or the agent of the surety
27 shall be prevented from presenting the appearance bonds with their power of
28 attorney attached until the outstanding fees are paid to the sheriff.

29 (2) ~~In the parish of Orleans, the fee shall be equal to three dollars for~~
30 ~~each one hundred dollars worth of liability underwritten by the commercial~~
31 ~~surety. This shall be the exclusive fee or tax on any criminal bail bond~~
32 ~~premium, including thereto premium taxes owed. In furtherance of the~~
33 ~~payment of this premium fee, all commercial surety underwriters~~
34 ~~underwriting criminal bail bonds in the parish of Orleans shall, upon~~
35 ~~submitting the appearance bond and their power of attorney, simultaneously~~
36 ~~pay to the sheriff a fee of three dollars for each one hundred dollars worth of~~
37 ~~liability on the bail bond being presented for the release of a person on bail.~~
38 ~~Failure to pay the fee shall prevent the sheriff from accepting the appearance~~
39 ~~bond and power of attorney. The sheriff may receive the fee by check or~~
40 ~~cash and shall accept only it from the surety or the agent of the surety. In the~~
41 ~~event a surety or agent of the surety presents payment of the fee by an~~
42 ~~instrument which is returned for insufficient funds, the agent or the agent of~~
43 ~~the surety shall be prevented from presenting the appearance bonds with their~~
44 ~~power of attorney attached until the outstanding fees are paid to the sheriff."~~

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46 AMENDMENT NO. 7

47 On page 5, delete line 14 in its entirety and insert "(3) In Orleans Parish, the two dollars of
48 ~~the three dollars~~ collected for each one"

49 AMENDMENT NO. 8

50 On page 5, after line 22, add the following:

1 "Section 6. The provisions of this Act shall cease to be effective two years after the
2 date of the signature of this Act by the governor."