
DIGEST

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HB 344 Original

2021 Regular Session

Bryant

Abstract: Provides relative to a defendant's ability to pay fines, fees, and costs associated with traffic violations, warrants of arrest, and summons issued in lieu of arrest.

Present law allows judges to adopt a parishwide schedule of fines, penalties, and costs for traffic violations of this state or any parish under their jurisdiction within the limits of penalties as set by present law.

Proposed law requires the judges to adopt such schedule of fines, penalties, and costs for traffic violations within the limits of penalties as set by present law and proposed law specifies that such schedule is applicable to traffic violations for which the maximum possible penalty is a fine only.

Proposed law provides for an affidavit of indigency and requires the affidavit of indigency to be delivered to the court for anyone who is unable to pay and wants to plead guilty without a court appearance.

Present law provides that the judge or district attorney may refuse to accept such written plea of guilty in any case, and in the event of refusal, the written plea of guilty shall not be admissible in evidence for any reason.

Proposed law retains present law and authorizes the defendant to submit an affidavit of indigency, and authorizes the judge or district attorney to refuse such affidavit.

Proposed law further requires that a person be placed on a \$25 per month payment plan if the judge accepts a written plea of guilty and the affidavit of indigency.

Proposed law provides that a magistrate may not issue an arrest warrant pursuant to present law for the defendant's failure to appear unless the defendant has been served with notice and the defendant fails to appear after receiving such notice as provided by proposed law.

Proposed law requires the notice to provide a date and time of the scheduled appearance as well as the name, address, and phone number of the court with jurisdiction.

Proposed law further requires the notice to include information regarding the consequences of the defendant's failure to appear and inability to pay.

Proposed law requires summons issued to include information regarding alternatives to full payment

of any fine or costs assessed if the person convicted of the offense is unable to pay.

Proposed law provides that no person shall be jailed or have their driver's license suspended for inability to pay the fine, costs, or fee.

(Amends R.S. 32:641(A) and (C)-(E); Adds C.Cr.P. Arts. 202(H) and 211(E) and R.S. 32:641(F) and (G))