
DIGEST

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HB 216 Engrossed

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)(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.