

SENATE BILL NO. 245 (Substitute of Senate Bill No. 71 by Senator Bernard)

BY SENATOR BERNARD

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AN ACT

To amend and reenact Code of Civil Procedure Arts. 1734(A) and 1734.1, relative to civil jury trials; to provide for the costs and expenses related to jury trials; to provide for the payment of jurors; to provide for certain deposits and amounts; to provide for certain actions by the court and clerk; to provide certain terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 1734(A) and 1734.1 are hereby amended and reenacted to read as follows:

Art. 1734. Fixing the bond; calling the jury venire

A. Except as otherwise provided by R.S. 13:3105 et seq., when the case has been set for trial, the court shall fix the amount of the bond to cover all costs **estimated by the court** related to the trial by jury and shall fix the time for filing the bond, which shall be no later than sixty days prior to trial. Notice of the fixing of the bond shall be served on all parties. If the bond is not filed timely, any other party shall have an additional ten days to file the bond.

\* \* \*

Art. 1734.1. Cash deposit; procedure

A. When the case has been set for trial, the court may order, in lieu of the bond required in Article 1734, a deposit for costs, which shall be a specific ~~cash~~ amount **estimated by the court**, and the court shall fix the time for making the deposit, which shall be no later than thirty days prior to trial. The deposit shall include sufficient funds for payment of all costs associated with a jury trial, including juror fees and expenses and charges of the jury commission, clerk of court, and sheriff. The required deposit shall not exceed ~~two~~ **five** thousand dollars for the

1 first day, and ~~four hundred~~ **one thousand** dollars per day for each additional day the  
 2 court estimates the trial will last. Notice of the fixing of the deposit shall be served  
 3 on all parties. If the deposit is not timely made, any other party shall have an  
 4 additional ten days to make the required deposit. Failure to post the ~~cash~~ deposit  
 5 shall constitute a waiver of a trial by jury. However, no ~~cash~~ deposit shall be required  
 6 of an applicant for a jury trial under the provisions of this Article if waived or an  
 7 order is rendered, pursuant to Chapter 5 of Title I of Book IX of the Code of Civil  
 8 Procedure, permitting the applicant to litigate or continue to litigate without payment  
 9 of costs in advance or furnishing security therefor.

10 **B. When the deposit has been filed, the clerk of court shall order the jury**  
 11 **commission to draw a sufficient number of jurors to try and determine the**  
 12 **cause, such drawing to be made in accordance with R.S. 13:3044.**

13 **C.** The clerk of court may disburse funds from the cash deposit for payment  
 14 of all or a part of the jury costs as such costs accrue. The clerk shall keep a record of  
 15 funds disbursed ~~by him~~ from the ~~cash~~ deposit.

16 ~~**D.**~~ The court may require an additional **amount deposit** to be filed during  
 17 the trial if the original amount of the ~~cash~~ deposit is insufficient to pay jury costs.

18 ~~**E.**~~ The funds disbursed from the cash deposit for payment of jury costs  
 19 shall be assessed as costs of court.

20 ~~**F.**~~ After payment of all jury costs, any unexpended amounts remaining ~~in~~  
 21 ~~the cash~~ **on** deposit shall be refunded by the clerk of court to the party **or attorney**  
 22 filing the ~~cash~~ deposit.

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 PRESIDENT OF THE SENATE

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 SPEAKER OF THE HOUSE OF REPRESENTATIVES

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 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_