

Regular Session, 2014

HOUSE BILL NO. 1143

BY REPRESENTATIVE DOVE

COURTS: Authorizes the collection of court costs in all district and parish courts to fund certain specialized divisions

1 AN ACT

2 To enact R.S. 13:587.5 and 2565, relative to district and parish courts; to authorize the
3 assessment of additional costs for certain alcohol-related violations; to authorize any
4 district or parish court with certain specialized divisions or sections to impose certain
5 costs; to require the creation of a special fund for deposit of all costs collected; to
6 provide for the disposition and use of collected funds; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:587.5 and 2565 are hereby enacted to read as follows:

10 §587.5. District courts; specialized divisions; additional costs; certain violations

11 A. Notwithstanding any other provision of law to the contrary, and in
12 addition to any fines, forfeitures, costs, or penalties, a judge in a district court with
13 a specialized alcohol division as defined in this Section may assess the following
14 additional costs to any person convicted of the following offenses:

15 (1) One hundred dollars for a violation of R.S. 14:98 or 98.1, prohibiting the
16 operation of a motor vehicle while under the influence of alcohol or drugs.

17 (2) One hundred dollars for a violation of R.S. 14:99, or any municipal or
18 parochial ordinance prohibiting the reckless operation of a motor vehicle.

1 (3) Fifty dollars for a violation of R.S. 14:92, 93.11, 93.12, or 333, or of any
2 municipal or parochial ordinance prohibiting the purchase or public possession of
3 alcoholic beverages by persons under the age of twenty-one years old.

4 (4) Twenty-five dollars for a violation of R.S. 14:91.7, 103, or 107, or of any
5 municipal or parochial ordinance prohibiting public drinking, public possession of
6 alcohol, or appearing in an intoxicated condition in public.

7 (5) Twenty-five dollars for a violation of R.S. 32:300, or of any municipal
8 or parochial ordinance prohibiting the possession of open alcoholic beverage
9 containers in vehicles.

10 (6) Twenty-five dollars for all other convictions of a felony, misdemeanor,
11 or any municipal or parochial ordinance, including a traffic felony, misdemeanor, or
12 a local traffic violation where the use of alcohol was a factor in the commission of
13 the crime.

14 B. For purposes of this Section, a district court with a specialized alcohol
15 division is defined as a district court that designates by court rule a division or
16 section of the court which has subject matter jurisdiction for alcohol-related offenses,
17 including but not limited to driving while intoxicated, and is also certified or
18 approved by the Louisiana Highway Safety Commission and the Louisiana Supreme
19 Court.

20 C. Any district court with a specialized alcohol division or section shall
21 establish a fund to deposit all fees collected pursuant to this Section. All funds
22 collected shall be used solely for the purposes of funding the approved alcohol or
23 driving while intoxicated division or section and any treatment programs and
24 administrative expenses associated with the program.

25 D. In the event that an individual is unable to pay the cost when assessed, the
26 court may allow payment to be deferred within a certain time frame, based on the
27 person's ability to pay the costs.

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1 §2565. Parish courts; specialized divisions; additional costs; certain violations

2 A. Notwithstanding any other provision of law to the contrary, and in
3 addition to any fines, forfeitures, costs, or penalties, a judge in a parish court with a
4 specialized alcohol division or a judge in a parish court that has within the judicial
5 district a specialized alcohol division as defined in this Section, may assess the
6 following additional costs to any person convicted of the following offenses:

7 (1) One hundred dollars for a violation of R.S. 14:98 or 98.1, prohibiting the
8 operation of a motor vehicle while under the influence of alcohol or drugs.

9 (2) One hundred dollars for a violation of R.S. 14:99, or any municipal or
10 parochial ordinance prohibiting the reckless operation of a motor vehicle.

11 (3) Fifty dollars for a violation of R.S. 14:92, 93.11, 93.12, or 333, or of any
12 municipal or parochial ordinance prohibiting the purchase or public possession of
13 alcoholic beverages by persons under the age of twenty-one years old.

14 (4) Twenty-five dollars for a violation of R.S. 14:91.7, 103, or 107, or of any
15 municipal or parochial ordinance prohibiting public drinking, public possession of
16 alcohol, or appearing in an intoxicated condition in public.

17 (5) Twenty-five dollars for a violation of R.S. 32:300, or of any municipal
18 or parochial ordinance prohibiting the possession of open alcoholic beverage
19 containers in vehicles.

20 (6) Twenty-five dollars for all other convictions of a felony, misdemeanor,
21 or any municipal or parochial ordinance, including a traffic felony, misdemeanor, or
22 a local traffic violation where the use of alcohol was a factor in the commission of
23 the crime.

24 B. For purposes of this Section, a parish court with a specialized alcohol
25 division is defined as a parish court that designates by court rule a division or section
26 of the court which has subject matter jurisdiction for alcohol-related offenses,
27 including but not limited to driving while intoxicated, and is also certified by the
28 Louisiana Highway Safety Commission and the Louisiana Supreme Court.

- 1 C. Any parish court with a specialized alcohol division or section shall
 2 establish a fund to deposit all costs collected pursuant to this Section. All funds
 3 collected shall be used solely for the purposes of funding the designated and
 4 approved alcohol or driving while intoxicated division or section and any treatment
 5 programs and administrative expenses associated with the program.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Dove

HB No. 1143

Abstract: Authorizes judges of district or parish courts with specialized subject matter jurisdiction to assess certain costs for certain alcohol-related violations.

Proposed law provides that in addition to any fines, forfeitures, costs, or penalties, a judge in a district or a parish court with a specialized alcohol division or a parish court that has within the judicial district, a specialized alcohol division, may assess any of the following additional court costs to any person convicted of certain offenses:

- (1) \$100 for violation of present law or of any municipal or parochial ordinance prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs or underage driving under the influence.
- (2) \$100 for a violation of present law or of any municipal or parochial ordinance prohibiting the reckless operation of a motor vehicle.
- (3) \$50 for a violation of present law or of any municipal or parochial ordinance prohibiting the contributing to delinquency of juveniles, improper supervision of a minor by parent or custodian, or purchase or public possession of alcoholic beverages by persons under the age of 21-years old.
- (4) \$25 for a violation of present law or of any municipal or parochial ordinance prohibiting the unauthorized possession or consumption of alcoholic beverages on public school property, public drinking, public possession of alcohol or appearing in an intoxicated condition in public, disturbing the peace, or vagrancy.
- (5) \$25 for a violation of present law or of any municipal or parochial ordinance prohibiting the possession of open alcoholic beverage containers in vehicles.
- (6) \$25 for all other convictions of a felony, misdemeanor, or any municipal or parochial ordinance, including a traffic felony, misdemeanor, or a local traffic violation where the use of alcohol was a factor in the commission of the crime.

Proposed law defines a specialized alcohol division as a district or parish court that designates by court rule a division or section of the court which has subject matter jurisdiction for alcohol-related offenses, including driving while intoxicated and is approved or certified by the La. Highway Safety Commission and the La. Supreme Court.

Proposed law requires any district or parish court that collects fees pursuant to proposed law to deposit the monies into a special fund to be used solely for funding the designated and

approved alcohol or driving while intoxicated division and any treatment programs and associated administrative expenses.

(Adds R.S. 13:587.5 and 2565)