

Regular Session, 2014

HOUSE BILL NO. 915

BY REPRESENTATIVE ALFRED WILLIAMS

COURTS/COURT COSTS: Requires the levy of a warrant recall fee to fund a misdemeanor jail in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 13:1000.10, 1415, 2071.1, 2488.40, and Part X of Chapter 7 of Title 13 of the  
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:2489.1, relative to  
4 collection of fees in all East Baton Rouge Parish courts; to require all courts in East  
5 Baton Rouge Parish to levy a warrant recall fee to fund a misdemeanor detention  
6 facility; to provide for the collection of the fee and expenditure of funds collected;  
7 to provide reporting requirements; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:1000.10, 1415, 2071.1, 2488.40, and Part X of Chapter 7 of Title  
10 13 of the Louisiana Revised Statutes of 1950, comprised of R.S. 13:2489.1, are hereby  
11 enacted to read as follows:

12 §1000.10. Nineteenth Judicial District Court; additional warrant recall fees;

13 Misdemeanor Detention Fund

14 A. The Nineteenth Judicial District Court shall levy and impose a warrant  
15 recall fee of fifty dollars on all persons who fail to appear as ordered on all  
16 misdemeanor offenses and traffic offenses where a warrant for arrest is issued, the  
17 proceeds of which shall be used to pay the expenses of operating a misdemeanor  
18 detention facility in the parish.

19 B. The clerk of court shall place all sums collected or received pursuant to  
20 this Section with the finance director for the parish of East Baton Rouge, who shall

1 place the funds in a separate account to be designated as the Misdemeanor Detention  
2 Fund. All monies in this account shall be used solely for the purpose of paying  
3 expenses associated with the operation of a misdemeanor detention facility in the  
4 parish. The finance director shall cause to be conducted annually an audit of the  
5 fund and the books and accounts relating thereto, and shall file the same with the  
6 office of the legislative auditor, where it shall be available for public inspection.

7 C. All law enforcement agencies within the parish shall confer for the  
8 purpose of creating and implementing additional pilot programs for the periodic  
9 targeted enforcement of outstanding warrants until sufficient revenues are generated  
10 to sustain the permanent operation of the misdemeanor detention facility.

11 D. The mayor-president for the parish of East Baton Rouge shall be  
12 authorized to expend funds and enter into cooperative endeavor agreements with all  
13 courts, the sheriff of East Baton Rouge Parish, and all other law enforcement  
14 agencies within the parish in order to carry out the provisions of this Section, subject  
15 to the approval of the Metropolitan Council of East Baton Rouge Parish.

16 E. The mayor-president through the finance department shall report quarterly  
17 to the Metropolitan Council and the courts within the parish on the matters set forth  
18 in this Section, including recommendations regarding necessary adjustments and the  
19 financial feasibility of the misdemeanor warrant enforcement programs.

20 \* \* \*

21 §1415. East Baton Rouge Parish Family Court; additional warrant recall fees;  
22 Misdemeanor Detention Fund

23 A. The East Baton Rouge Parish Family Court shall levy and impose a  
24 warrant recall fee of fifty dollars on all persons who fail to appear as ordered on all  
25 misdemeanor offenses and traffic offenses where a warrant for arrest is issued, the  
26 proceeds of which shall be used to pay the expenses of operating a misdemeanor  
27 detention facility in the parish.

28 B. The clerk of court shall place all sums collected or received pursuant to  
29 this Section with the finance director for the parish of East Baton Rouge, who shall

1 place the funds in a separate account to be designated as the Misdemeanor Detention  
2 Fund. All monies in this account shall be used solely for the purpose of paying  
3 expenses associated with the operation of a misdemeanor detention facility in the  
4 parish. The finance director shall cause to be conducted annually an audit of the  
5 fund and the books and accounts relating to the fund, and shall file the same with the  
6 office of the legislative auditor, where it shall be available for public inspection.

7 C. All law enforcement agencies within the parish shall confer for the  
8 purpose of creating and implementing additional pilot programs for the periodic  
9 targeted enforcement of outstanding warrants until sufficient revenues are generated  
10 to sustain the permanent operation of the misdemeanor detention facility.

11 D. The mayor-president for the parish of East Baton Rouge shall be  
12 authorized to expend funds and enter into cooperative endeavor agreements with all  
13 courts, the sheriff of East Baton Rouge Parish, and all other law enforcement  
14 agencies within the parish in order to carry out the provisions of this Section, subject  
15 to the approval of the Metropolitan Council of East Baton Rouge Parish.

16 E. The mayor-president through the finance department shall report quarterly  
17 to the Metropolitan Council and the courts within the parish on the matters set forth  
18 in this Section, including recommendations regarding necessary adjustments and the  
19 financial feasibility of the misdemeanor warrant enforcement programs.

20 \* \* \*

21 §2071.1. Baton Rouge City Court; additional warrant recall fees; Misdemeanor  
22 Detention Fund

23 A. The Baton Rouge City Court shall levy and impose a warrant recall fee  
24 of fifty dollars on all persons who fail to appear as ordered on all misdemeanor  
25 offenses and traffic offenses where a warrant for arrest is issued, the proceeds of  
26 which shall be used to pay the expenses of operating a misdemeanor detention  
27 facility in the parish.

28 B. The clerk of court shall place all sums collected or received pursuant to  
29 this Section with the finance director for the parish of East Baton Rouge, who shall

1 place the funds in a separate account to be designated as the Misdemeanor Detention  
2 Fund. All monies in this account shall be used solely for the purpose of paying  
3 expenses associated with the operation of a misdemeanor detention facility in the  
4 parish. The finance director shall cause to be conducted annually an audit of the  
5 fund and the books and accounts relating thereto, and shall file the same with the  
6 office of the legislative auditor, where it shall be available for public inspection.

7 C. All law enforcement agencies within the parish shall confer for the  
8 purpose of creating and implementing additional pilot programs for the periodic  
9 targeted enforcement of outstanding warrants until sufficient revenues are generated  
10 to sustain the permanent operation of the misdemeanor detention facility.

11 D. The mayor-president for the parish of East Baton Rouge shall be  
12 authorized to expend funds and enter into cooperative endeavor agreements with all  
13 courts, the sheriff of East Baton Rouge Parish, and all other law enforcement  
14 agencies within the parish in order to carry out the provisions of this Section, subject  
15 to the approval of the Metropolitan Council of East Baton Rouge Parish.

16 E. The mayor-president through the finance department shall report quarterly  
17 to the Metropolitan Council and the courts within the parish on the matters set forth  
18 in this Section, including recommendations regarding necessary adjustments and the  
19 financial feasibility of the misdemeanor warrant enforcement programs.

20 \* \* \*

21 §2488.40. Baker City Court; additional warrant recall fees; Misdemeanor Detention  
22 Fund

23 A. The Baker City Court shall levy and impose a warrant recall fee of fifty  
24 dollars on all persons who fail to appear as ordered on all misdemeanor offenses and  
25 traffic offenses where a warrant for arrest is issued, the proceeds of which shall be  
26 used to pay the expenses of operating a misdemeanor detention facility in the parish.

27 B. The clerk of court shall place all sums collected or received pursuant to  
28 this Section with the finance director for the parish of East Baton Rouge, who shall  
29 place the funds in a separate account to be designated as the Misdemeanor Detention

1        Fund. All monies in this account shall be used solely for the purpose of paying  
2        expenses associated with the operation of a misdemeanor detention facility in the  
3        parish. The finance director shall cause to be conducted annually an audit of the  
4        fund and the books and accounts relating thereto, and shall file the same with the  
5        office of the legislative auditor, where it shall be available for public inspection.

6                C. All law enforcement agencies within the parish shall confer for the  
7        purpose of creating and implementing additional pilot programs for the periodic  
8        targeted enforcement of outstanding warrants until sufficient revenues are generated  
9        to sustain the permanent operation of the misdemeanor detention facility.

10               D. The mayor-president for the parish of East Baton Rouge shall be  
11        authorized to expend funds and enter into cooperative endeavor agreements with all  
12        courts, the sheriff of East Baton Rouge Parish, and all other law enforcement  
13        agencies within the parish in order to carry out the provisions of this Section, subject  
14        to the approval of the Metropolitan Council of East Baton Rouge Parish.

15               E. The mayor-president through the finance department shall report quarterly  
16        to the Metropolitan Council and the courts within the parish on the matters set forth  
17        in this Section, including recommendations regarding necessary adjustments and the  
18        financial feasibility of the misdemeanor warrant enforcement programs.

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20                                PART X. ZACHARY

21        §2489.1. Zachary City Court; additional warrant recall fees; Misdemeanor  
22        Detention Fund

23               A. The Zachary City Court shall levy and impose a warrant recall fee of fifty  
24        dollars on all persons who fail to appear as ordered on all misdemeanor offenses and  
25        traffic offenses where a warrant for arrest is issued, the proceeds of which shall be  
26        used to pay the expenses of operating a misdemeanor detention facility in the parish.

27               B. The clerk of court shall place all sums collected or received pursuant to  
28        this Section with the finance director for the parish of East Baton Rouge, who shall  
29        place the funds in a separate account to be designated as the Misdemeanor Detention

1 Fund. All monies in this account shall be used solely for the purpose of paying  
 2 expenses associated with the operation of a misdemeanor detention facility in the  
 3 parish. The finance director shall cause to be conducted annually an audit of the  
 4 fund and the books and accounts relating thereto, and shall file the same with the  
 5 office of the legislative auditor, where it shall be available for public inspection.

6 C. All law enforcement agencies within the parish shall confer for the  
 7 purpose of creating and implementing additional pilot programs for the periodic  
 8 targeted enforcement of outstanding warrants until sufficient revenues are generated  
 9 to sustain the permanent operation of the misdemeanor detention facility.

10 D. The mayor-president for the parish of East Baton Rouge shall be  
 11 authorized to expend funds and enter into cooperative endeavor agreements with all  
 12 courts, the sheriff of East Baton Rouge Parish, and all other law enforcement  
 13 agencies within the parish in order to carry out the provisions of this Section, subject  
 14 to the approval of the Metropolitan Council of East Baton Rouge Parish.

15 E. The mayor-president through the finance department shall report quarterly  
 16 to the Metropolitan Council and the courts within the parish on the matters set forth  
 17 in this Section, including recommendations regarding necessary adjustments and the  
 18 financial feasibility of the misdemeanor warrant enforcement programs.

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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)]

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Alfred Williams

HB No. 915

**Abstract:** Requires the collection of a \$50 warrant recall fee in all courts within East Baton Rouge Parish and provides for the collection and use of such fee.

Proposed law requires the 19th JDC, East Baton Rouge Parish Family Court, Baker City Court, Zachary City Court, and Baton Rouge City Court to levy and impose a \$50 warrant recall fee on all persons who fail to appear as ordered on all misdemeanor offenses and traffic offenses where a warrant for arrest is issued and provides that the proceeds of which shall be used to pay the expenses of operating a misdemeanor detention facility in the parish.

Proposed law requires each clerk of court to place all sums collected or received with the finance director for the parish of East Baton Rouge, who shall place the funds in a separate account to be designated as the Misdemeanor Detention Fund.

Proposed law requires all monies in this account to be used solely for the purpose of paying expenses associated with the operation of a misdemeanor detention facility in the parish and requires the finance director to conduct an annual audit of the fund and the books and related accounts and file the audit with the office of the legislative auditor, where it shall be available for public inspection.

Proposed law requires all law enforcement agencies within the parish to confer for the purpose of creating and implementing additional pilot programs for the periodic targeted enforcement of outstanding warrants until sufficient revenues are generated to sustain the permanent operation of the misdemeanor detention facility.

Proposed law authorizes the mayor-president to expend funds and enter into cooperative endeavor agreements with all courts, the sheriff of East Baton Rouge Parish, and all other law enforcement agencies within the parish in order to carry out the provisions of proposed law, subject to the approval of the Metropolitan Council.

Proposed law requires the mayor-president through the finance department to report quarterly to the Metropolitan council and the courts within the parish on the misdemeanor detention fund, including recommendations regarding necessary adjustments and the financial feasibility of the misdemeanor warrant enforcement programs.

(Adds R.S. 13:1000.10, 1415, 2071.1, 2488.40, and 2489.1)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Added authorization for the clerk of Zachary City Court to levy and impose a \$50 warrant recall fee on all persons who fail to appear as ordered on all misdemeanor offenses and traffic offenses where a warrant for arrest is issued.

#### House Floor Amendments to the engrossed bill.

1. Changed the provision to levy and impose a warrant recall fee in all courts in East Baton Rouge Parish from permissive to mandatory.