

2016 Regular Session

SENATE BILL NO. 219

BY SENATOR CLAITOR

BONDS. Provides relative to the distribution of forfeitures of criminal bail bonds. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 15:571.11(A)(1)(a), the introductory paragraph of (A)(2), and
3 the introductory paragraph of (L), relative to bail; to provide relative to the
4 disposition of fines and bail bond forfeitures; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:571.11(A)(1)(a), the introductory paragraph of (A)(2), and the
7 introductory paragraph of (L) are hereby amended and reenacted to read as follows:

8 §571.11. Dispositions of fines and forfeitures

9 A.(1)(a) All fines and forfeitures, except for forfeitures of criminal bail bonds
10 ~~posted by a commercial security~~ imposed by district courts and district attorneys,
11 conviction fees in criminal cases, and prosecutions for violations of state law or
12 parish ordinances, upon collection by the sheriff or executive officer of the court,
13 shall be paid into the treasury of the parish in which the court is situated and
14 deposited in a special "Criminal Court Fund" account, which, on motion by the
15 district attorney and approval order of the district judge, may be used or paid out in
16 defraying the expenses of the criminal courts of the parish as provided in Ch.C.
17 Articles 419 and 421 and R.S. 16:6, in defraying the expenses of those courts in

1 recording and transcribing of testimony, statements, charges, and other proceedings
 2 in the trial of indigent persons charged with the commission of felonies, in defraying
 3 their expenses in the preparation of records in appeals in such cases, for all expenses
 4 and fees of the petit jury and grand jury, for witness fees, for attendance fees of the
 5 sheriff and clerk of court, for costs and expenses of a parish law library, and for other
 6 expenses related to the judges of the criminal courts and the office of the district
 7 attorney. In the Second Judicial District, the criminal court fund shall be used to
 8 defray the expenses of the criminal court system.

* * *

10 (2) All fines and forfeitures, except for forfeitures of criminal bail bonds
 11 ~~posted by a commercial surety~~ imposed by district courts and collected by the sheriff
 12 or executive officer of the court for violations of municipal ordinances shall be
 13 disbursed as follows, except in the case of violations of any of the provisions of Title
 14 32 of the Louisiana Revised Statutes of 1950, wherein such proceeds shall be
 15 distributed in accordance with Subparagraph A(1)(a) of this Section:

* * *

17 L. All judgments of bond forfeiture rendered after June 22, 1993, resulting
 18 from the posting of a ~~commercial surety~~ bond in a criminal proceeding in the state
 19 of Louisiana upon collection by the prosecuting attorney for the jurisdiction in which
 20 the bond was posted shall be paid to the prosecuting attorney who shall, as attorney
 21 of record in the proceeding, distribute the funds as follows:

* * *

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

SB 219 Engrossed 2016 Regular Session Claitor

Present law provides that all fines and forfeitures, except for forfeitures of criminal bail bonds posted by a commercial security, that are imposed by district courts and district attorneys, conviction fees in criminal cases, and prosecutions for violations of state law or parish ordinances, once collected by the sheriff or executive officer of the court, are to be paid into the treasury of the parish in which the court is situated and deposited in a special "Criminal Court Fund" account, which may be used to defray certain court costs and expenses as provided for in present law.

Proposed law deletes the present law exception for forfeitures of criminal bail bonds posted by a commercial security so that these forfeitures are to be distributed in the same manner as any other fine or forfeiture under present law. Proposed law otherwise retains present law.

Present law provides that all fines and forfeitures, except for forfeitures of criminal bail bonds posted by a commercial surety, imposed by district courts and collected by the sheriff or executive officer of the court for violations of municipal ordinances are to be disbursed in the manner provided for by present law.

Proposed law deletes the present law exception for forfeitures of criminal bail bonds posted by a commercial surety so that these forfeitures are to be distributed in the same manner as any other fine or forfeiture under present law. Proposed law otherwise retains present law.

Present law provides that all judgments of bond forfeiture rendered after 6/22/93 resulting from the posting of a commercial surety bond in a criminal proceeding in the state of Louisiana, upon collection by the prosecuting attorney for the jurisdiction in which the bond was posted, are to be paid to the prosecuting attorney who will distribute the funds as provided for by present law.

Proposed law deletes the present law exception for judgments of forfeitures of criminal bail bonds posted by a commercial surety so that these forfeitures are to be distributed in the same manner as any other fine or forfeiture under present law. Proposed law otherwise retains present law.

Effective August 1, 2016.

(Amends R.S. 15:571.11(A)(1)(a), (A)(2)(intro para), and (L)(intro para))