

2016 Regular Session

HOUSE BILL NO. 92

BY REPRESENTATIVE JAMES

COURTS/COURT COSTS: Repeals the warrant recall fees collected to fund a misdemeanor jail in East Baton Rouge Parish

1 AN ACT

2 To repeal R.S. 13:1000.10, 1415, 2002.1, 2488.40, and 2489.1, relative to warrant recall fees
3 to fund a misdemeanor detention facility in East Baton Rouge Parish; to provide for
4 the distribution of funds collected; to repeal statutory authority for the levying and
5 collection of such fees.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:1000.10, 1415, 2002.1, 2488.40, and 2489.1 are hereby repealed
8 in their entirety.

9 Section 2. All sums collected and placed in the Misdemeanor Detention Fund
10 pursuant to the provisions of R.S. 13:1000.10, 1415, 2002.1, 2488.40, and 2489.1 prior to
11 the effective date of this Act shall be distributed as follows:

12 (1) One third shall be returned to the court that collected those sums in
13 proportion to the amount of funds collected and deposited to the Misdemeanor
14 Detention Fund by each court.

15 (2) One third shall be transferred to the East Baton Rouge Parish Public
16 Defender's Office.

17 (3) One third shall be transferred to the East Baton Rouge Parish District
18 Attorney's Office.

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)]

HB 92 Reengrossed

2016 Regular Session

James

Abstract: Repeals statutes providing for the collection of funds by courts in East Baton Rouge Parish to be used for a misdemeanor detention facility, and distributes the funds collected to the Misdemeanor Detention Fund, East Baton Rouge Parish Public Defender's Office and East Baton Rouge District Attorney's Office.

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

Present law requires the Baton Rouge City Court to levy and impose a \$25 warrant recall fee on all persons who fail to appear on all misdemeanor offenses and traffic offenses where a warrant for arrest is issued. Provides that the proceeds shall be used to pay the expenses of operating a misdemeanor detention facility in East Baton Rouge Parish.

Present 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 the Misdemeanor Detention Fund.

Present 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.

Present 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.

Present 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 present law, subject to the approval of the Metropolitan Council.

Present 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.

Proposed law repeals present law, and requires monies in the Misdemeanor Detention Fund to be distributed as follows:

- (1) 1/3 returned to each court that collected the funds in proportion to the amount that the funds were collected for the Misdemeanor Detention Fund.
- (2) 1/3 to the East Baton Rouge Parish Public Defender's Office.
- (3) 1/3 to the East Baton Rouge Parish District Attorney's Office.

(Repeals R.S. 13:1000.10, 1415, 2002.1, 2488.40, and 2489.1)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Provides that the sums collected from the Misdemeanor Detention Fund shall be distributed in equal parts to the court that collected the funds, the public defender's office, and the district attorney's office.
2. Makes technical amendments.