

2016 Regular Session

SENATE BILL NO. 120

BY SENATOR MARTINY

JUDGES. Provides relative to Ascension Parish Court. (gov sig)

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AN ACT

To amend and reenact R.S. 13:2563.5(B) and 2563.17(A) through (C), and to enact R.S. 13:2563.5(C), relative to certain judicial salaries; to provide for the payment of a judge's salary in Ascension Parish; to require the appropriation of amounts sufficient to fully fund the operations of the Parish Court in Ascension Parish; to provide with respect to the disposition of fees deposited into the Ascension Parish Judicial Expense Fund; to provide with respect to authority of the judge of the Ascension Parish Court with regard to the Ascension Parish Judicial Expense Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2563.5(B) and 2563.17(A) through (C) are hereby amended and reenacted and R.S. 13:2563.5(C) is hereby enacted to read as follows:

§2563.5. Judge; qualifications and salary

* * *

B. He shall receive an annual salary of not less than sixty-eight thousand five hundred twenty-two dollars, payable monthly on his own warrant by the state of Louisiana, the parish of Ascension, the municipalities within the parish of Ascension,

1 and the judicial expense fund for the Parish Court for the Parish of Ascension,
2 apporioned as follows:

3 (1) The state of Louisiana shall pay the sum of forty-four thousand two
4 hundred sixty-five dollars per annum, **subject to the increases mandated by R.S.**
5 **13:50.**

6 (2) ~~The parish of Ascension shall pay the sum of seven thousand one hundred~~
7 ~~ten dollars per annum.~~

8 (3) The municipalities of Donaldsonville and Gonzales shall each pay the
9 sum of seven thousand one hundred ten dollars per annum.

10 (4)(3) Any other municipality within the parish of Ascension shall each pay
11 the sum of two thousand nine hundred twenty-seven dollars per annum.

12 (5)(4) The judicial expense fund for the Parish Court for the Parish of
13 Ascension shall pay an amount equal to the difference between the total salary of the
14 judge as specified in Paragraphs (1) through (4)(3) of this Subsection and the salary
15 of a district court judge of the judicial district in which the parish court is located.

16 **C. The governing authority of Ascension Parish shall annually**
17 **appropriate from the parish general fund and the Ascension Parish Judicial**
18 **Expense Fund amounts sufficient to fully fund the operations of the parish**
19 **court, which shall include the salaries and benefits of the parish judge and the**
20 **parish court's employees.**

21 * * *

22 §2563.17. ~~Judicial expense fund~~ **Fees; Judicial Expense Fund; Probation Fund;**
23 established

24 A. In all criminal cases over which the court has jurisdiction, there shall be
25 taxed as costs against every defendant who is convicted after trial or after a plea of
26 guilty or who forfeits his bond, a sum determined by the judge of the parish court,
27 which sum shall not exceed fifteen dollars, which shall be in addition to all other
28 fines, costs or forfeitures lawfully imposed and which shall be transmitted ~~to the~~
29 ~~clerk of court for further disposition in accordance herewith~~ **on a monthly basis to**

1 **the chief financial officer of Ascension Parish, hereinafter referred to as "chief**
 2 **financial officer"**, for deposit into the **Judicial Expense Fund**. Any bench warrant
 3 fees collected by the court from a defendant shall also be transmitted to the ~~clerk of~~
 4 ~~court for further disposition in accordance herewith~~ **chief financial officer for**
 5 **deposit into the Judicial Expense Fund.**

6 B. The ~~clerk of court~~ **chief financial officer** shall place all sums collected or
 7 received under Subsection A of this Section in a separate account to be designated
 8 as the Judicial Expense Fund for the Parish Court for the Parish of Ascension. The
 9 ~~judge of the parish court~~ **governing authority of Ascension Parish** shall have
 10 control over the fund and all disbursements made therefrom. ~~He,~~ shall cause to be
 11 conducted annually an audit of the fund and the books and accounts relating thereto,
 12 and shall file the ~~same~~ **audit** with the office of the legislative auditor where it shall
 13 be available for public inspection.

14 C. The judicial expense fund is established and may be used for any purpose
 15 or purposes connected with, incidental to, or related to the proper administration or
 16 function of the said court or the offices of the judge, and is in addition to any and all
 17 other funds, salaries, expenses, or other monies that are now or hereafter provided,
 18 authorized, or established by law for any of the aforesaid purposes. However, no
 19 salary shall be paid from the judicial expense fund to the judge, except the judge
 20 appointed temporarily under the provisions of R.S. 13:2563.9 and as provided in R.S.
 21 13:2563.5(B)(~~5~~)**(4) and (C).**

22 * * *

23 Section 2. The provisions of Section 1 shall become effective upon signature by the
 24 governor or, if not signed by the governor, upon expiration of the time for bills to become
 25 law without signature by the governor, as provided by Article III, Section 18 of the
 26 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the
 27 legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ben A. Huxen II.

DIGEST

SB 120 Reengrossed

2016 Regular Session

Martiny

Present law provides that the Ascension Parish Court judge shall receive an annual salary of not less than sixty-eight thousand five hundred twenty-two dollars, payable monthly on his own warrant by the state of Louisiana, the parish of Ascension, the municipalities within the parish of Ascension, and the judicial expense fund for the Parish Court for the Parish of Ascension, and apportioned according to present law.

Present law provides that in all criminal cases over which the court has jurisdiction, there shall be taxed as costs against every defendant who is convicted after trial or after a plea of guilty or who forfeits his bond, a sum determined by the judge of the parish court, which sum shall not exceed fifteen dollars, which shall be in addition to all other fines, costs or forfeitures lawfully imposed and which shall be transmitted to the clerk of court for further disposition in accordance herewith. Present law further provides that any bench warrant fees collected by the court from a defendant shall also be transmitted to the clerk of court for further disposition.

Present law also provides that the clerk of court shall place all sums collected or received from criminal bond forfeitures in a separate account to be designated as the Judicial Expense Fund for the Parish Court for the Parish of Ascension, which the judge has control over and responsibility for ensuring that the account is audited.

Present law also provides that no salary shall be paid from the judicial expense fund to the judge, except the judge appointed temporarily under the provisions of R.S. 13:2563.9 and as provided in R.S. 13:2563.5(B)(5).

Proposed law specifies that the forty-four thousand two hundred sixty-five dollars per annum paid by the state of Louisiana is subject to the increases mandated by R.S. 13:50. Proposed law also changes Ascension Parish's payment requirement from seven thousand one hundred ten dollars per annum to an annual appropriation from the parish general fund and the Ascension Parish Judicial Expense Fund sufficient to fully fund the operations of the parish court, which shall include the salaries and benefits of the parish judge and the parish court's employees.

Proposed law requires the bond forfeiture costs to be forwarded, on a monthly basis, to the chief financial officer of Ascension Parish, rather than the clerk of court, for deposit into the Judicial Expense Fund. Proposed law further shifts control and oversight of the fund from the clerk of court to the parish chief financial officer.

Proposed law also provides that no salary shall be paid from the judicial expense fund to the judge, except the judge appointed temporarily under the provisions of R.S. 13:2563.9 and as provided in R.S. 13:2563.5(B)(4) and (C).

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:2563.5(B) and 2563.17(A)-(C); adds R.S. 13:2563.5(C))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Deleted provision increasing, effective July 1, 2016, the salary of courts of appeal judges by one and one-half percent, as recommended by the Judicial Compensation Commission, if such increase conforms to the appropriation provided in House Bill No. ____ of the 2016 Regular Session of the Legislature.
2. Added provisions relative to Ascension Parish court and judge.