

CONFERENCE COMMITTEE REPORT

HB 773

2016 Regular Session

Marcelle

June 3, 2016

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 773 by Representative Marcelle, recommend the following concerning the Reengrossed bill:

1. That the set of amendments by the Legislative Bureau (#3203) be rejected.
2. That Senate Committee Amendments Nos. 1, 2, 3, 4, 6, and 7 by the Senate Committee on Finance (#3065) be rejected.
3. That Senate Committee Amendment No. 5 by the Senate Committee on Finance (#3065) be adopted.
4. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, delete line 2 in its entirety and insert "To amend and reenact R.S. 13:992.1(A) and (C)(4), R.S. 33:447.11, and Section 2 of Act No. 13 of the 2013 Regular Session of the Legislature, to enact R.S. 13:1000.7, and to repeal R.S. 13:1000.7 effective on August 1, 2021, relative to court costs; to provide for court costs collected in the"

AMENDMENT NO. 2

On page 1, line 4, after "proceeds;" and before "and" insert the following:

"to provide relative to the Judicial Building Fund; to provide for the applicability of certain costs and service charges in the Nineteenth Judicial District; to provide for certain court costs in certain mayor's courts and the use of such costs; to provide for effective dates;"

AMENDMENT NO. 3

On page 1, between lines 5 and 6, insert the following:

"Section 1. R.S. 13:992.1(A) and (C)(4) are hereby amended and reenacted to read as follows:

§992.1. Judicial building fund

A. The Nineteenth Judicial District Court and the clerk of court of the Nineteenth Judicial District are hereby authorized to impose the following additional costs of court and service charges provided for in Subsection B of this Section in all cases over which the court has jurisdiction, until the bonded indebtedness provided for in Subsection C of this Section is paid. The costs and charges provided in Subsection B of this Section shall not apply to cases involving juvenile and family matters or any child welfare proceeding instituted by the Department of Children and Family Services or any district attorney's office. The costs and charges may be up to and include the maximum amount set forth and shall be imposed on order of the judges en banc. Such costs and charges shall be paid to the clerk of court when the filing is made.

C. * * *
* * *

(4) The monies generated pursuant to this Section shall be forwarded by the clerk of court and sheriff to the fiscal agent bank chosen by the commission to be held in the courthouse construction fund. Any funds currently on deposit to the separate account of the judicial expense fund from the costs and charges authorized by this Section shall be transferred at the discretion of the commission to the courthouse construction fund held by the commission's fiscal agent. These monies deposited to the courthouse construction fund shall be dedicated to the design, planning, feasibility, acquisition, construction, equipping, operating, and maintaining a new facility to house the Nineteenth Judicial District Court, the Family Court of East Baton Rouge Parish, the Juvenile Court, the offices of the clerk of court for the Nineteenth Judicial District, and such other ancillary agencies as may be necessary. No monies generated pursuant to this Section shall be used for payment of any bonded indebtedness involving site acquisition or construction of a new facility unless approved by the Joint Legislative Committee on the Budget and the State Bond Commission.

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AMENDMENT NO. 4

On page 1, at the beginning of line 6, change "Section 1." to "Section 2."

AMENDMENT NO. 5

On page 2, delete line 3 in its entirety and insert the following:

"Section 5. R.S. 13:1000.7 is hereby repealed in its entirety."

AMENDMENT NO. 6

On page 2, delete lines 4 through 6 in their entirety and insert the following:

"Section 6.(A) The provisions of this Section and Section 1 of this Act shall become effective July 1, 2016. If vetoed by the governor and subsequently approved by the legislature, this Section and Section 1 of this Act shall become effective on July 1, 2016, or on the day following such approval by the legislature, whichever is later.

(B) The provisions of Sections 2, 3, and 4 of this Act shall become effective on August 1, 2016.

(C) The provisions of Section 5 of this Act shall become effective on August 1, 2021."

Respectfully submitted,

Representative C. Denise Marcelle

Senator Eric LaFleur

Representative Katrina Jackson

Senator Dan Claitor

Representative Robert A. Johnson

Senator Ronnie Johns

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)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 773

2016 Regular Session

Marcelle

Keyword and oneliner of the instrument as it left the House

COURTS/COURT COSTS: Provides for court costs collected in criminal cases

Report adopts Senate amendments to:

1. Provide that additional court costs assessed pursuant to present law for the benefit of crime lab commissions and, specifically, the North La. Crime Lab Commission are optional in the mayor's court of Dequincy, Iowa, Vinton, and Westlake if those courts are collecting a separate \$20 court cost to benefit the 14th JDC Indigent Defender Fund.
2. Extend the termination date from Aug. 1, 2016 to Aug. 1, 2023 for these provisions affecting Dequincy, Iowa, Vinton and Westlake.

Report rejects Senate amendments which would have:

1. Added an additional \$10 filing fee for all civil petition filings in the 12th JDC effective one month after judicial council approval.
2. Established the Avoyelles Parish Courthouse Security Fund to fund security for the Avoyelles Parish Courthouse to be collected from the following sources: the Avoyelles Parish Police Jury general fund, criminal court fees assessed by the judges of the 12th JDC, a portion of funds derived from the pre-trial diversion program administered by the district attorney, and the additional \$10 filing fee for all civil petition filings in the 12th JDC.
3. Made technical amendments.

Report amends the bill to:

1. Add a provision that allows the additional costs and charges collected in the 19th JDC for funding courthouse construction to apply to juvenile matters but prohibits the additional costs from applying to any child welfare proceeding instituted by the Department of Children and Family Services or any district attorney's office.
2. Provide that the monies generated by the additional court costs and charges shall be used for construction of the Juvenile Court, in addition to the other courts found in present law.
3. Add the Juvenile Court to the list of courts delineated to be housed in the new courthouse facilities.

Digest of the bill as proposed by the Conference Committee

Present law provides for court costs in criminal and juvenile matters.

Proposed law retains present law. Provides for additional court costs in the amount of \$10 to the 19th Judicial District Court Building Commission or \$10 to the Juvenile Court of East Baton Rouge Parish, as applicable, which will expire on or after Aug. 1, 2021.

Present law provides for the Building Fund in the Nineteenth Judicial District for construction of the courthouse from certain additional court costs and fees. Provides that such costs shall not apply to cases involving juvenile and family matters.

Proposed law retains present law except it applies the additional costs and charges to juvenile matters and prohibits the additional costs from applying to any child welfare proceeding instituted by the Dept. of Children and Family Services or any district attorney's office.

Present law provides that the monies generated by such costs and fees be forwarded by the clerk of court and sheriff to the fiscal agent bank chosen by the commission to be held in the courthouse construction fund. Provides that the new facility will house the 19th JDC, the Family Court of East Baton Rouge Parish, the office of the 19th JDC Clerk of Court, and other ancillary agencies.

Proposed law retains present law and adds the Juvenile Court to the list of courts to be housed in such facility.

Present law provides for certain court costs in the mayor's courts of Dequincy, Iowa, Vinton, and Westlake, to benefit the 14th JDC Indigent Defender Fund, to terminate on Aug. 1, 2016.

Present law also provides for certain costs to be collected to benefit the North La. Crime Lab Commission and other crime lab commissions.

Proposed law retains present law and provides that these court costs levied in the mayor's courts of Dequincy, Iowa, Vinton, and Westlake in excess of \$10 per offense shall be optional if costs are being collected to benefit the 14th JDC. Proposed law extends the effectiveness of the court costs to benefit the 14th JDC to Aug. 1, 2023.

(Amends R.S. 13:992.1(A) and (C)(4), R.S. 33:447.11, §2 of Act No. 13 of 2013; Adds R.S. 13:1000.7; Repeals R.S. 13:1000.7)