

CONFERENCE COMMITTEE REPORT

HB 92

2016 Regular Session

James

June 5, 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. 92 by Representative James, recommend the following concerning the Reengrossed bill:

1. That Senate Committee Amendments Nos. 2 through 5 by the Senate Committee on Finance (#2366) be rejected.
2. That Senate Committee Amendment Nos. 1 and 6 by the Senate Committee on Finance (#2366) be adopted.
3. That the set of Senate Floor Amendments by Senator Claitor (#3042) be rejected.
4. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 4, after "collected;" and before "to" insert "to provide procedures;"

AMENDMENT NO. 2

On page 1, delete lines 9 through 18 in their entirety and insert the following:

"Section 2.(A) On or before December 31, 2016, a person may apply to the finance director of East Baton Rouge Parish for a refund of a warrant recall fee that the person has paid pursuant to R.S. 13:1000.10, 1415, 2002.1, 2488.40, or 2489.1 as set forth in this Section.

(B)(1) To obtain a refund pursuant to the provisions of this Section, a properly completed request shall be submitted to the finance director for the parish of East Baton Rouge on forms provided by the finance director. Requests may be submitted electronically with the approval of the finance director. Within thirty days after the date that a properly completed request is received by the finance director, the finance director shall issue a refund check to the applicant or shall notify the applicant of the disallowance of the request.

(2) For purposes of this Section, a "properly completed request" means a request that includes the information required on the face of the request form and is signed by the applicant.

(3) Within thirty days from receipt of the notification of a disallowed request, the applicant may resubmit a properly completed request to the finance director for reconsideration. The time periods for reconsideration of a disallowed request shall be the same as the time periods for consideration of the initial request.

(4) Failure of the finance director to timely process and pay a refund in accordance with this Section shall entitle the applicant to interest on the amount of the refund allowed in the properly completed request. Interest shall begin to accrue on the date the properly completed request or reconsideration of a disallowed request is received by the finance director at the rate established pursuant to the provisions of R.S. 13:4202.

(C) All sums remaining in the Misdemeanor Detention Fund on January 1, 2017, shall be distributed as follows:

(1) The total amount of the sums collected and deposited to the Misdemeanor Detention Fund by the Baker City Court shall be returned to that court in its entirety.

(2) The total amount of the sums collected and deposited to the Misdemeanor Detention Fund by the Zachary City Court shall be return to that court in its entirety.

(3) The total amount of the sums collected and deposited to the Misdemeanor Detention Fund by the Nineteenth Judicial District Court, East Baton Rouge Family Court, and the Baton Rouge City Court shall be distributed as follows:

(a) Fifty percent of the remaining funds shall be returned to the court that collected those sums in proportion to the amount of funds collected and deposited to the Misdemeanor Detention Fund by each court.

(b) Twenty-five percent of the remaining funds shall be transferred to the East Baton Rouge Public Defender's Office.

(c) Twenty-five percent of the remaining funds shall be transferred to the East Baton Rouge Parish District Attorney's Office."

Respectfully submitted,

Representative Edward "Ted" James

Senator Dan Claitor

Representative Katrina Jackson

Senator Eric LaFleur

Representative Tanner Magee

Senator Mack "Bodi" White, Jr.

 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 92**2016 Regular Session****James**
Keyword and oneliner of the instrument as it left the House

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

Report adopts Senate amendments to:

1. Add an emergency effective date.
2. Make technical amendments.

Report rejects Senate amendments which would have:

1. Authorized a person, on or before August 1, 2017, to apply for a refund of a warrant recall fee that the person has paid pursuant to a provision being repealed by proposed law.
2. Provided for the procedure by which an applicant may obtain a refund.
3. Required the finance director of East Baton Rouge Parish to issue a refund check or notification of disallowance within 30 days after receipt of a properly completed request and defined "properly completed request".
4. Authorized an applicant to resubmit an application within 30 days of a receipt of a notification of a disallowed request.
5. Provided that failure of the finance director to timely process and pay a refund shall entitle the applicant to interest accruing from the date the properly completed request or reconsideration of a disallowed request is received by the finance director.
6. Changed the manner in which all sums remaining in the Misdemeanor Detention Fund (the "Fund") are distributed to the East Baton Rouge Public Defender's Office and the East Baton Rouge District Attorney's Office, provided the purpose for which such funds may be used, and required an annual audit of the Fund.
7. Made technical amendments.

Report amends the bill to:

1. Authorize a person to apply for a refund of a warrant recall fee that the person has paid pursuant to a provision being repealed by proposed law until December 31, 2016.
2. Provide for the procedures by which an applicant may obtain a refund.

3. Require the finance director of East Baton Rouge Parish to issue a refund check or notification of disallowance within 30 days after receipt of a properly completed request and define "properly completed request".
4. Authorize an applicant to resubmit an application within 30 days of a receipt of a notification of a disallowed request.
5. Provide that failure of the finance director to timely process and pay a refund shall entitle the applicant to interest accruing from the date the properly completed request or reconsideration of a disallowed request is received by the finance director.
6. Require monies in the Misdemeanor Detention Fund remaining on or after January 1, 2017 to be distributed as follows:
 - (a) The total amount of the sums collected and deposited to the Misdemeanor Detention Fund by the Baker City Court shall be returned to that court in its entirety.
 - (b) The total amount of the sums collected and deposited to the Misdemeanor Detention Fund by the Zachary City Court shall be return to that court in its entirety.
 - (c) The total amount of the sums collected and deposited to the Misdemeanor Detention Fund by the Nineteenth Judicial District Court, East Baton Rouge Family Court, and the Baton Rouge City Court shall be distributed as follows: 50% of the remaining funds shall be returned to the court that collected those sums in proportion to the amount of funds collected and deposited to the Misdemeanor Detention Fund by each court; 25% of the remaining funds shall be transferred to the East Baton Rouge Public Defender's Office; and 25% of the remaining funds shall be transferred to the East Baton Rouge Parish District Attorney's Office.

Digest of the bill as proposed by the Conference Committee

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 authorizes a person to apply for a refund of a warrant recall fee that the person has paid pursuant to a provision being repealed by proposed law until December 31, 2016.

Proposed law provides for the process for an applicant to obtain a refund. Proposed law further requires the finance director for East Baton Rouge Parish to issue a refund check or notification of disallowance within 30 days after receipt of a properly completed request, and allows for the resubmission of an application within 30 days of a receipt of a notification of a disallowed request.

Proposed law provides that the failure of the finance director to timely process and pay a refund shall entitle the applicant to interest accruing from the date the properly completed request or reconsideration of a disallowed request is received by the finance director.

Proposed law provides that all sums remaining on January 1, 2017, shall be distributed as follows:

- (1) The total amount of the sums collected and deposited to the Misdemeanor Detention Fund by the Baker City Court shall be returned to that court in its entirety.
- (2) The total amount of the sums collected and deposited to the Misdemeanor Detention Fund by the Zachary City Court shall be return to that court in its entirety.
- (3) The total amount of the sums collected and deposited to the Misdemeanor Detention Fund by the Nineteenth Judicial District Court, East Baton Rouge Parish Family Court, and the Baton Rouge City Court shall be distributed as follows:
 - (a) 50% of the remaining funds shall be returned to the court that collected those sums in proportion to the amount of funds collected and deposited to the Misdemeanor Detention Fund by each court.
 - (b) 25% of the remaining funds shall be transferred to the East Baton Rouge Public Defender's Office.
 - (c) 25% of the remaining funds shall be transferred to the East Baton Rouge Parish District Attorney's Office.

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

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