

RÉSUMÉ DIGEST**ACT 622 (HB 92)****2016 Regular Session****James**

Prior law required 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 was issued. Prior law further provided that the proceeds were to be used to pay the expenses of operating a misdemeanor detention facility in the parish.

Prior law required the Baton Rouge City Court to levy and impose a \$25 warrant recall fee on all persons who failed to appear on all misdemeanor offenses and traffic offenses where a warrant for arrest was issued and proceeds was to be used to pay the expenses of operating a misdemeanor detention facility in East Baton Rouge Parish.

Prior law required each clerk of court to place all sums collected or received with the finance director for the parish of East Baton Rouge, who was required to place the funds in the Misdemeanor Detention Fund.

Prior law further required 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 required the finance director to conduct an annual audit of the fund.

Prior law also required 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 were generated to sustain the permanent operation of the misdemeanor detention facility.

Prior law authorized 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 prior law, subject to the approval of the Metropolitan Council.

Prior law required 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.

New law repeals prior 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a person to apply for a refund of a warrant recall fee that the person has paid pursuant to a provision being repealed until Dec. 31, 2016.

New law provides for the process for an applicant to obtain a refund. New 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.

New 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.

New law provides that all sums remaining on Jan. 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 19th JDC, 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 (June 17, 2016).

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