
HOUSE COMMITTEE AMENDMENTS

2020 Regular Session

Amendments proposed by House Committee on Judiciary to Original House Bill No. 842
by Representative Hilferty

1 AMENDMENT NO. 1

2 On page 1, line 3, after "R.S. 16:16.3(A), and" delete the remainder of the line and insert
3 "R.S. 22:822(A) and (B)(3) and to repeal R.S. 13:1377,"

4 AMENDMENT NO. 2

5 On page 3, delete lines 20 and 21 in their entirety and insert the following:

6 "(a)(i) Forty percent of all funds received to the Orleans Parish
7 criminal district court's ~~judicial expense fund~~ court.

8 (ii) The funds received by the court pursuant to this Subparagraph
9 shall be deposited into a special escrow account, retained for one year, and
10 shall then be disbursed to the city of New Orleans to be used in defraying the
11 expenses of the criminal justice system in Orleans Parish."

12 AMENDMENT NO. 3

13 On page 4, delete lines 13 through 27 in their entirety and insert the following:

14 "D.(1) All fines and forfeitures, including forfeitures of criminal bail
15 bonds, imposed in criminal cases and prosecutions by the courts of Orleans
16 Parish and any payments ordered as a condition of probation under Code of
17 Criminal Procedure Article 895.1(B)(2) shall, upon collection, be paid to the
18 criminal sheriff of Orleans Parish who shall deposit same in a special
19 account, and shall thereafter be divided equally between the district attorney
20 of Orleans Parish and the criminal district court of Orleans Parish ~~in two~~
21 ~~special accounts, one account to be administered by the judges of the~~
22 ~~criminal district court of Orleans Parish, and the other.~~

23 (2) The portion provided to the district attorney of Orleans Parish
24 pursuant to this Subsection shall be deposited into a special account to be
25 administered by the district attorney of Orleans Parish to be used in defraying
26 the expenses of the criminal courts of the parish, extraditions, and such other
27 expenses pertaining to the operation of the criminal court of Orleans Parish
28 ~~and the office of the district attorney of Orleans Parish.~~

29 (3) The portion provided to the criminal district court of Orleans
30 Parish pursuant to this Subsection shall be deposited into a special escrow
31 account and retained for one year and shall then be disbursed to the city of
32 New Orleans to be used in defraying the expenses of the criminal justice
33 system of the parish, extraditions, and other expenses pertaining to the
34 operation of the criminal justice system of Orleans Parish.

35 (4) Disbursements from the criminal sheriff's account to the criminal
36 district court and district attorney shall be made on an equal basis. ~~Said and~~
37 ~~the~~ accounts shall be annually audited by the director of finance of the city
38 of New Orleans."

39 AMENDMENT NO. 4

40 On page 5, line 9, after "Section 4." and before "hereby" change "R.S. 22:822(B)(3) is" to
41 "R.S. 22:822(A) and (B)(3) are"

1 AMENDMENT NO. 5

2 On page 5, delete line 11 in its entirety and insert the following:

3 "A. ~~There shall be a fee on~~ On premiums for all commercial surety
4 underwriters who write criminal bail bonds in the state of Louisiana, ~~as~~
5 ~~follows:~~6 (1) ~~Except in the parish of Orleans, the~~ there shall be a fee shall be
7 equal to two dollars for each one hundred dollars worth of liability
8 underwritten by the commercial surety. Except as authorized under the
9 provisions of R.S. 13:718(I)(2), this shall be the exclusive fee or tax on any
10 criminal bail bond premium, including thereto premium taxes owed. In
11 furtherance of the payment of this premium fee all commercial surety
12 underwriters underwriting criminal bail bonds in the state of Louisiana shall,
13 upon submitting the appearance bond and their power of attorney,
14 simultaneously pay to the sheriff of the parish, except in the parish of
15 Orleans, a fee of two dollars for each one hundred dollars worth of liability
16 on the bail bond being presented for the release of a person on bail. Failure
17 to pay the fee shall prevent the sheriff from accepting the appearance bond
18 and power of attorney. The sheriff may receive the fee by check or cash and
19 shall only accept it from the surety or the agent of the surety. In the event a
20 surety or agent of the surety presents payment of the fee by an instrument
21 which is returned for insufficient funds, the agent or the agent of the surety
22 shall be prevented from presenting the appearance bonds with their power of
23 attorney attached until the outstanding fees are paid to the sheriff.24 (2) ~~In the parish of Orleans, the fee shall be equal to three dollars for~~
25 ~~each one hundred dollars worth of liability underwritten by the commercial~~
26 ~~surety. This shall be the exclusive fee or tax on any criminal bail bond~~
27 ~~premium, including thereto premium taxes owed. In furtherance of the~~
28 ~~payment of this premium fee, all commercial surety underwriters~~
29 ~~underwriting criminal bail bonds in the parish of Orleans shall, upon~~
30 ~~submitting the appearance bond and their power of attorney, simultaneously~~
31 ~~pay to the sheriff a fee of three dollars for each one hundred dollars worth of~~
32 ~~liability on the bail bond being presented for the release of a person on bail.~~
33 ~~Failure to pay the fee shall prevent the sheriff from accepting the appearance~~
34 ~~bond and power of attorney. The sheriff may receive the fee by check or~~
35 ~~cash and shall accept only it from the surety or the agent of the surety. In the~~
36 ~~event a surety or agent of the surety presents payment of the fee by an~~
37 ~~instrument which is returned for insufficient funds, the agent or the agent of~~
38 ~~the surety shall be prevented from presenting the appearance bonds with their~~
39 ~~power of attorney attached until the outstanding fees are paid to the sheriff."~~
4041 AMENDMENT NO. 642 On page 5, delete line 14 in its entirety and insert "(3) In Orleans Parish, the two dollars of
43 ~~the three dollars~~ collected for each one"