

2020 Regular Session

HOUSE BILL NO. 842

BY REPRESENTATIVE HILFERTY

1 AN ACT

2 To amend and reenact R.S. 13:1381.2(A), 1381.4, and 1381.5(B)(2)(a), R.S. 15:168(B)(1)
3 and 571.11(D), R.S. 16:16.3(A), and R.S. 22:822(A) and (B)(3), to enact R.S.
4 13:1381.5(B)(2)(e), and to repeal R.S. 13:1377, relative to the assessment, collection,
5 and distribution of certain court costs and fees in the parish of Orleans; to provide
6 relative to court costs and clerk of court fees in Orleans Parish; to provide relative
7 to the sheriff's detention and prison security fee in Orleans Parish; to provide relative
8 to the judicial expense fund for the Criminal District Court for Orleans Parish; to
9 provide relative to the administration of the criminal justice fund in Orleans Parish;
10 to provide relative to the assessment of costs for the indigent defender fund in
11 Orleans Parish; to provide relative to the disposition of fines and forfeitures in
12 Orleans Parish; to provide relative to criminal bail bond annual license fees in
13 Orleans Parish; and to provide for related matters.

14 Notice of intention to introduce this Act has been published
15 as provided by Article III, Section 13 of the Constitution of
16 Louisiana.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. R.S. 13:1381.2(A), 1381.4, and 1381.5(B)(2)(a) are hereby amended and
19 reenacted and R.S. 13:1381.5(B)(2)(e) is hereby enacted to read as follows:

20 §1381.2. Sheriff's detention and prison security fee fund

21 A. Any defendant, other than an indigent, who pleads guilty or is convicted
22 of an offense by the Criminal District Court for the Parish of Orleans shall be

1 assessed a fee of not less than twenty-five dollars, such costs to be in addition to any
2 fine, clerk's fees, costs due to the criminal court cost fund or sentence imposed by the
3 court. ~~When any defendant, other than an indigent, fails to pay the costs referred to~~
4 ~~hereinabove, he shall be sentenced to a term of thirty days in the parish prison in~~
5 ~~default of the payment of same.~~

6 * * *

7 §1381.4. Judicial expense fund for Criminal District Court

8 A.(1) ~~In all criminal cases over which the Criminal District Court for Orleans~~
9 ~~Parish has original, appellate, supervisory, or concurrent jurisdiction, including~~
10 ~~traffic violations other than parking, there shall be taxed as costs against every~~
11 ~~defendant who is convicted after trial or plea of guilty or nolo contendere or who~~
12 ~~forfeits his bond the sum of five dollars, which shall be in addition to all other fines,~~
13 ~~costs, or forfeitures lawfully imposed and which shall be transmitted to the judicial~~
14 ~~administrator of the Criminal District Court for Orleans Parish for further disposition~~
15 ~~in accordance herewith.~~

16 (2) ~~In addition to all other fines, costs, or forfeitures lawfully imposed by~~
17 ~~this Section or any other provision, the court may impose an additional cost against~~
18 ~~any defendant who has been finally convicted of a misdemeanor, excluding traffic~~
19 ~~violations, or a felony. The additional costs authorized in this Paragraph shall not~~
20 ~~exceed five hundred dollars in the case of a misdemeanor nor exceed two thousand~~
21 ~~five hundred dollars in the case of a felony. All such sums collected shall be~~
22 ~~transmitted to the judicial administrator for further disposition in accordance~~
23 ~~herewith.~~

24 B. ~~The judicial administrator of the Criminal District Court for Orleans~~
25 ~~Parish shall place all sums collected or received under this Section in a separate~~
26 ~~account to be designated as the judicial expense fund for the Criminal District Court~~
27 ~~for Orleans Parish. The judges of the court shall cause to be conducted annually an~~
28 ~~audit of the fund and the books and accounts relating thereto and shall file the same~~
29 ~~with the office of the legislative auditor where it shall be available for public~~
30 ~~inspection.~~

1 €: The judicial expense fund is established and may be used for any purpose
 2 connected with, incidental to, or related to the proper administration or function of
 3 the court or the office of the judges thereof ~~and is in addition to any and all other~~
 4 ~~funds, salaries, expenses, or other monies that are provided, authorized, or~~
 5 ~~established by law.~~

6 D: B. No salary shall be paid from the judicial expense fund to any judges
 7 of the court.

8 C. The judges of the court shall cause to be conducted annually an audit of
 9 the fund and the books and accounts relating thereto and shall file the audit with the
 10 office of the legislative auditor where it shall be available for public inspection.

11 §1381.5. The Orleans Parish administration of criminal justice fund

12 * * *

13 B.

14 * * *

15 (2) Each quarterly distribution shall be calculated and allocated as follows:

16 (a)(i) ~~Forty~~ Twenty percent of all funds received to the Orleans Parish
 17 ~~criminal district court's judicial expense fund~~ clerk of court.

18 (ii) The funds received by the court pursuant to this Subparagraph shall be
 19 deposited into a special escrow account, retained for one year, and shall then be
 20 disbursed to the city of New Orleans to be used in defraying the expenses of the
 21 criminal justice system in Orleans Parish. No funds shall be disbursed from the
 22 special escrow account for any purpose previously set forth by the provisions of R.S.
 23 13:1381.4 prior to the effective date of this Act.

24 * * *

25 (e) Twenty percent of all funds received to the Clerk of the Criminal District
 26 Court Expense Fund for the parish of Orleans.

27 * * *

1 Section 2. R.S. 15:168(B)(1) and 571.11(D) are hereby amended and reenacted to
2 read as follows:

3 §168. Judicial district indigent defender fund

4 * * *

5 B.(1)(a) Every court of original criminal jurisdiction, except in the town of
6 Jonesville, in the city of Plaquemine, and in mayors' courts in municipalities having
7 a population of less than five thousand, shall remit the following special costs to the
8 district indigent defender fund for the following violations, under state statute as well
9 as under parish or municipal ordinance, except a parking violation. ~~The~~ Except as
10 provided in Subparagraph (b) of this Paragraph, the sum of forty-five dollars shall
11 be assessed in cases in which a defendant is convicted after a trial, a plea of guilty
12 or nolo contendere, or after forfeiting bond and shall be in addition to all other fines,
13 costs, or forfeitures imposed.

14 (b) In the parish of Orleans, in addition to all other fines, costs, or forfeitures
15 imposed, the sum of forty-five dollars may be assessed in cases in which a defendant
16 is convicted after a trial, a plea of guilty or nolo contendere, or after forfeiting bond.

17 * * *

18 §571.11. Dispositions of fines and forfeitures

19 * * *

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

28 (2) The portion provided to the district attorney of Orleans Parish pursuant
29 to this Subsection shall be deposited into a special account to be administered by the
30 district attorney of Orleans Parish to be used in defraying the expenses of the

1 ~~criminal courts of the parish, extraditions, and such other expenses pertaining to the~~
2 ~~operation of the criminal court of Orleans Parish and the~~ office of the district
3 attorney of Orleans Parish.

4 (3) The portion provided to the criminal district court of Orleans Parish
5 pursuant to this Subsection shall be deposited into a special escrow account and
6 retained for one year and shall then be disbursed to the city of New Orleans to be
7 used in defraying the expenses of the criminal justice system of the parish,
8 extraditions, and other expenses pertaining to the operation of the criminal justice
9 system of Orleans Parish. No funds shall be disbursed from the special escrow
10 account for any purpose previously set forth by the provisions of R.S. 13:1381.4
11 prior to the effective date of this Act.

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

15 * * *

16 Section 3. R.S. 16:16.3(A) is hereby amended and reenacted to read as follows:

17 §16.3. Additional court costs to defray expenses; Orleans Parish

18 A. In all criminal cases over which the district attorney's office in Orleans
19 Parish has jurisdiction, there ~~shall~~ may be taxed as costs against every defendant who
20 is convicted after trial or after he pleads guilty or who forfeits his bond a
21 nonrefundable sum of twenty dollars, which shall be in addition to all other fines,
22 costs, or forfeitures lawfully imposed.

23 * * *

24 Section 4. R.S. 22:822(A) and (B)(3) are hereby amended and reenacted to read as
25 follows:

26 §822. Criminal bail bond annual license fee

27 A. ~~There shall be a fee on~~ On premiums for all commercial surety
28 underwriters who write criminal bail bonds in the state of Louisiana, ~~as follows:~~

29 ~~(1) Except in the parish of Orleans, the~~ there shall be a fee ~~shall be~~ equal to
30 two dollars for each one hundred dollars worth of liability underwritten by the

1 commercial surety. Except as authorized under the provisions of R.S. 13:718(I)(2),
2 this shall be the exclusive fee or tax on any criminal bail bond premium, including
3 thereto premium taxes owed. In furtherance of the payment of this premium fee all
4 commercial surety underwriters underwriting criminal bail bonds in the state of
5 Louisiana shall, upon submitting the appearance bond and their power of attorney,
6 simultaneously pay to the sheriff of the parish, ~~except in the parish of Orleans~~, a fee
7 of two dollars for each one hundred dollars worth of liability on the bail bond being
8 presented for the release of a person on bail. Failure to pay the fee shall prevent the
9 sheriff from accepting the appearance bond and power of attorney. The sheriff may
10 receive the fee by check or cash and shall only accept it from the surety or the agent
11 of the surety. In the event a surety or agent of the surety presents payment of the fee
12 by an instrument which is returned for insufficient funds, the agent or the agent of
13 the surety shall be prevented from presenting the appearance bonds with their power
14 of attorney attached until the outstanding fees are paid to the sheriff.

15 ~~(2) In the parish of Orleans, the fee shall be equal to three dollars for each~~
16 ~~one hundred dollars worth of liability underwritten by the commercial surety. This~~
17 ~~shall be the exclusive fee or tax on any criminal bail bond premium, including~~
18 ~~thereto premium taxes owed. In furtherance of the payment of this premium fee, all~~
19 ~~commercial surety underwriters underwriting criminal bail bonds in the parish of~~
20 ~~Orleans shall, upon submitting the appearance bond and their power of attorney,~~
21 ~~simultaneously pay to the sheriff a fee of three dollars for each one hundred dollars~~
22 ~~worth of liability on the bail bond being presented for the release of a person on bail.~~
23 ~~Failure to pay the fee shall prevent the sheriff from accepting the appearance bond~~
24 ~~and power of attorney. The sheriff may receive the fee by check or cash and shall~~
25 ~~accept only it from the surety or the agent of the surety. In the event a surety or~~
26 ~~agent of the surety presents payment of the fee by an instrument which is returned~~
27 ~~for insufficient funds, the agent or the agent of the surety shall be prevented from~~
28 ~~presenting the appearance bonds with their power of attorney attached until the~~
29 ~~outstanding fees are paid to the sheriff.~~

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(3) In Orleans Parish, the two dollars ~~of the three dollars~~ collected for each one hundred dollars worth of liability underwritten by the commercial surety on all premium fees collected by the sheriff shall be maintained, supervised, and distributed as provided in R.S. 13:1381.5 ~~and the one additional dollar of the three dollars collected for each one hundred dollars worth of liability underwritten by the commercial surety shall be allocated to the Criminal District Court for the Parish of Orleans.~~

* * *

Section 5. R.S. 13:1377 is hereby repealed in its entirety.

Section 6. The provisions of this Act shall cease to be effective on July 1, 2022.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____