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**SENATE COMMITTEE AMENDMENTS**

2021 Regular Session

Substitute for Original Senate Bill No. 71 by Senator Bernard as proposed by Senate Committee on Judiciary A.

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**This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.**

"To amend and reenact Code of Civil Procedure Arts. 1734(A) and 1734.1, relative to civil jury trials; to provide for the costs and expenses related to jury trials; to provide for the payment of jurors; to provide for certain deposits and amounts; to provide for certain actions by the court and clerk; to provide certain terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 1734(A) and 1734.1 are hereby amended and reenacted to read as follows:

Art. 1734. Fixing the bond; calling the jury venire

A. Except as otherwise provided by R.S. 13:3105 et seq., when the case has been set for trial, the court shall fix the amount of the bond to cover all costs **estimated by the court or the clerk, as the case may be**, related to the trial by jury and shall fix the time for filing the bond, which shall be no later than sixty days prior to trial. Notice of the fixing of the bond shall be served on all parties. If the bond is not filed timely, any other party shall have an additional ten days to file the bond.

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Art. 1734.1. Cash deposit; procedure

A. When the case has been set for trial, the court may order, in lieu of the bond required in Article 1734, a deposit for costs, which shall be a specific ~~cash~~ amount **estimated by the court or the clerk, as the case may be**, and the court shall fix the time for making the deposit, which shall be no later than ~~thirty~~ **sixty** days prior to trial. The deposit shall include sufficient funds for payment of all costs associated with a jury trial, including juror fees and expenses and charges of the jury commission, clerk of court, and sheriff. The required deposit shall not exceed ~~two~~ **fifteen** thousand dollars for the first day, **or above ten thousand dollars for the**

**first day if a five thousand dollar deposit was required and has been made pursuant to Code of Civil Procedure Article 1733(A)(2)(a) for the first day,** and four hundred **one thousand** dollars per day for each additional day the court estimates the trial will last. **A deposit above the applicable stated amount for the first day may be ordered by the court upon contradictory motion of the clerk of court, on a showing that amount is insufficient.** Notice of the fixing of the deposit shall be served on all parties. If the deposit is not timely made, any other party shall have an additional ten days to make the required deposit. Failure to post the ~~cash~~ deposit shall constitute a waiver of a trial by jury. However, no ~~cash~~ deposit shall be required of an applicant for a jury trial under the provisions of this Article if waived or an order is rendered, pursuant to Chapter 5 of Title I of Book IX of the Code of Civil Procedure, permitting the applicant to litigate or continue to litigate without payment of costs in advance or furnishing security therefor.

**B. When the deposit has been filed, the clerk of court shall order the jury commission to draw a sufficient number of jurors to try and determine the cause, such drawing to be made in accordance with R.S. 13:3044.**

**C.** The clerk of court ~~may~~ **shall** disburse funds from the cash deposit for payment of all or a part of the jury costs as such costs accrue. The clerk shall keep a record of funds disbursed ~~by him~~ from the ~~cash~~ deposit.

~~**D.**~~ The court ~~may~~ **shall** require an additional ~~amount~~ **deposit** to be filed during the trial if the original amount of the ~~cash~~ deposit is insufficient to pay jury costs.

~~**E.**~~ The funds disbursed from the cash deposit for payment of jury costs shall be assessed as costs of court.

~~**F.**~~ After payment of all jury costs, any unexpended amounts remaining ~~in the cash~~ **on** deposit shall be refunded by the clerk of court to the party **or attorney** filing the ~~cash~~ deposit."