

## DIGEST

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SB 245 Engrossed

2021 Regular Session

Bernard

Present law (Art. 1734) requires generally that when the case has been set for trial, the court fix the amount of the bond to cover all costs related to the trial by jury and fix the time for filing the bond, which shall be no later than 60 days prior to trial. Requires that notice of the fixing of the bond be served on all parties. Provides that if the bond is not filed timely, any other party shall have an additional 10 days to file the bond. Requires that when the bond has been filed, the clerk of court 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 law.

Proposed law provides that the costs are to be estimated by the court. Otherwise retains present law.

Present law (Art. 1734.1) provides that 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, and the court shall fix the time for making the deposit, which shall be no later than 30 days prior to trial. Requires that the required deposit not exceed \$2,000 for the first day and \$400 per day for each additional day the court estimates the trial will last.

Proposed law increases the maximum deposit to \$5,000 for the first day and \$1,000 per day for each additional day the court estimates the trial will last. Requires that when the deposit has been filed, the clerk of court 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 law.

Present law requires that the clerk keep a record of funds disbursed by him from the cash deposit. Authorizes the court to require an additional amount to be filed during the trial if the original amount of the cash deposit is insufficient to pay jury costs. Requires that funds disbursed from the cash deposit for payment of jury costs be assessed as costs of court. Requires that after payment of all jury costs, any unexpended amounts remaining in the deposit be refunded by the clerk to the party filing the cash deposit. Proposed law requires that any unexpended amounts remaining on deposit be refunded to the party or attorney filing the deposit. Proposed law otherwise retains present law.

Effective Aug. 1, 2021.

(Amends C.C.P. Arts. 1734(A) and 1734.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill:

1. Remove authority of the clerk to estimate costs.
2. Require the court to fix the time to make the deposit no later than 30, rather than 60, days prior to trial.
3. Lower the maximum required deposit from \$15,000 to \$5,000.
4. Remove language allowing the court to order a deposit in excess of the statutory amount upon contradictory motion of the clerk.
5. Authorize, rather than require, the clerk of court to disburse funds from the cash deposit.

6. Authorize, rather than require, the court to require an additional deposit.