

RÉSUMÉ DIGEST

ACT 382 (SB 245)

2021 Regular Session

Bernard

Prior law (Art. 1734) required 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. Required that notice of the fixing of the bond be served on all parties. Provided that if the bond is not filed timely, any other party shall have an additional 10 days to file the bond. Required 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.

New law provides that the costs are to be estimated by the court. Otherwise retains prior law.

Prior law (Art. 1734.1) provided 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. Required 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.

New 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.

Prior law required that the clerk keep a record of funds disbursed by him from the cash deposit. Authorized 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. Required that funds disbursed from the cash deposit for payment of jury costs be assessed as costs of court. Required 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. New law requires that any unexpended amounts remaining on deposit be refunded to the party or attorney filing the deposit. New law otherwise retains prior law.

Effective August 1, 2021.

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