

2022 Regular Session

HOUSE BILL NO. 1068 (Substitute for House Bill No. 255 by Representative Hilferty)

BY REPRESENTATIVE HILFERTY

COURTS: Provides relative to the termination date of Act 110 of the 2020 R.S. of the Legislature of La. relative to the assessment, collection, and distribution of certain court costs and fees in the parish of Orleans

1 AN ACT

2 To amend and reenact Section 6 of Act 110 of the 2020 Regular Session of the Legislature

3 of Louisiana, relative to the assessment, collection, and distribution of certain court

4 costs and fees in the parish of Orleans; to provide for the termination date of existing

5 law; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Section 6 of Act 110 of the 2020 Regular Session of the Legislature of

8 Louisiana is hereby amended and reenacted to read as follows:

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

10 ~~2022~~ 2024.

11 Section 2. This Act shall become effective upon signature by the governor or, if not

12 signed by the governor, upon expiration of the time for bills to become law without signature

13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

14 vetoed by the governor and subsequently approved by the legislature, this Act shall become

15 effective on the day following such approval.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 1068 Reengrossed

2022 Regular Session

Hilferty

**Abstract:** Amends the termination date of Act 110 of the 2020 R.S.

Present law (R.S. 13:1381.2(A)) provides that any defendant, other than an indigent, who pleads guilty or is convicted of an offense by the Criminal District Court for the parish of Orleans shall be assessed a fee of not less than \$25, such costs to be in addition to any fine, clerk's fees, costs due to the criminal court cost fund, or sentence imposed by the court.

Present law (R.S. 13:1381.4) provides for the judicial expense fund for the Criminal District Court for the parish of Orleans.

Present law (R.S. 13:1381.5(B)(2)(a)) provides that 20% of all funds received by the Orleans Parish clerk of court shall be collected and deposited in the Orleans Parish administration of criminal justice fund to be distributed per quarter within 30 days of receipt.

Present law (R.S. 13:1381.5(B)(2)(e)) provides that 20% of all funds received by the Clerk of the Criminal District Court Expense Fund for Orleans Parish shall be collected and deposited in the Orleans Parish administration of criminal justice fund to be distributed per quarter within 30 days of receipt.

Present law (R.S. 15:168(B)(1)) provides for the remittance of special costs to the district indigent defender fund by every court of original criminal jurisdiction, except in the town of Jonesville, in the city of Plaquemine, and in mayors' courts in municipalities having a population of less than 5,000, for various violations under state statute as well as under parish or municipal ordinance, except a parking violation. Provides for a \$45 assessment in cases in which a defendant is convicted after a trial, enters a plea of guilty or nolo contendere, or after forfeiting bond and shall be in addition to all other fines, costs, or forfeitures imposed.

Present law (R.S. 15:571.11(D)) provides for the payment of all fines and forfeitures, including forfeitures of criminal bail bonds, imposed in criminal cases and prosecutions by the courts of Orleans Parish and any payments ordered as a condition of probation under the Code of Criminal Procedure to be paid to the criminal sheriff of Orleans Parish who shall deposit same in a special account, and shall thereafter be divided equally between the district attorney of Orleans Parish and the Criminal District Court for the parish of Orleans.

Present law (R.S. 16:16.3(A)) provides for, in addition to all other fines, costs, or forfeitures lawfully imposed, a nonrefundable tax in Orleans Parish against every defendant who is convicted after trial or after pleads guilty or forfeits his bond.

Present law (R.S. 22:822(A)) provides for a fee equal to \$2 for each \$100 worth of liability on premiums for all commercial surety underwriters who write criminal bail bonds in the state of La.

Present law (R.S. 22:822(B)(3)) provides that in Orleans Parish, the \$2 collected for each \$100 worth of liability underwritten by the commercial surety on all premium fees collected by the sheriff shall be maintained, supervised, and distributed as provided by present law (R.S. 13:1381.5).

Present law provides that present law shall cease to be effective on July 1, 2022.

Proposed law changes the termination date from July 1, 2022, to July 1, 2024.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends §6 of Act No. 110 of the 2020 R.S.)

Summary of Amendments Adopted by House

The House Floor Amendments to the original bill:

1. Change termination date of present law from 2023 to 2024.
2. Add effective date upon signature of the governor.