

Regular Session, 2013

HOUSE BILL NO. 448

BY REPRESENTATIVE JAMES

CRIMINAL/PROCEDURE: Authorizes the designation of specialized divisions or sections in city or municipal courts

1 AN ACT

2 To enact R.S. 13:1894.2, relative to city or municipal courts; to require the assessment of
3 additional costs for specific alcohol related violations; to require any city or
4 municipal court with certain specialized divisions or sections to impose certain costs;
5 to require the creation of a special fund for deposit of all fees collected; to provide
6 for the disposition and use of collected fees; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:1894.2 is hereby enacted to read as follows:

9 §1894.2. Additional costs; certain violations

10 A. Notwithstanding any other provision of law to the contrary, and in
11 addition to any fines, forfeitures, costs, or penalties, a person convicted of a felony,
12 a misdemeanor, or local ordinance, including a traffic felony, misdemeanor, or local
13 traffic violation, shall be assessed an additional cost in any matter where the use of
14 alcohol was a factor involved in the commission of a crime. Any court that
15 designates by rule, divisions or sections of the court as a specialized division or
16 section having subject matter jurisdiction for a drug court, driving while intoxicated
17 court, sobriety court, or other specialized subject matter jurisdiction shall assess the
18 following costs:

1 (1) One hundred dollars for a violation of R.S. 14:98 or 98.1, or of any
2 municipal or parochial ordinance prohibiting the operation of a motor vehicle while
3 under the influence of alcohol or drugs.

4 (2) One hundred dollars for a violation of R.S. 14:99 or any municipal or
5 parochial ordinance prohibiting the reckless operation of a motor vehicle.

6 (3) Fifty dollars for a violation of R.S. 14:92, 93.11, 93.12, or 333, or of any
7 municipal or parochial ordinance prohibiting the purchase and public possession of
8 alcoholic beverages by persons under the age of twenty-one years old.

9 (4) Twenty-five dollars for a violation of R.S. 14:91.7, 103, or 107, or of any
10 municipal or parochial ordinance prohibiting public drinking, public possession of
11 alcohol, or appearing in an intoxicated condition in public.

12 (5) Twenty-five dollars for a violation of R.S. 32:300, or of any municipal
13 or parochial ordinance prohibiting the possession of open alcoholic beverage
14 containers in vehicles.

15 (6) Twenty-five dollars for all other convictions of a misdemeanor, or any
16 municipal or parochial ordinance, including a traffic felony, misdemeanor, or a local
17 traffic violation where the use of alcohol was a factor involved in the commission
18 of the crime.

19 B. Any court that has a drug division, driving while intoxicated, or sobriety
20 division may use the fines provided for in Subsection A of this Section for the
21 development or maintenance of drug or alcohol treatment programs that are
22 recognized or certified by the Louisiana Supreme Court Drug Court Office, the
23 National Highway Traffic Safety Administration, or by the Louisiana Highway
24 Safety Commission.

25 C. The court shall establish a fund to deposit all fees collected pursuant to
26 this Section. The collected fines shall be used solely for the purposes of funding the
27 drug, alcohol, driving while intoxicated, or sobriety division and any related
28 treatment programs and associated administrative expenses. In the event that an

- 1 individual is unable to pay the cost when assessed, the court may allow payment to
2 be deferred within a certain time frame, based on the person's ability to pay the costs.

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)]

James

HB No. 448

Abstract: Authorizes judges of city or municipal courts with specialized subject matter jurisdiction to assess certain fees for certain alcohol related violations.

Proposed law requires that in addition to any fines, forfeitures, costs, or penalties, a person convicted of a felony, misdemeanor, local ordinance, traffic felony, misdemeanor or violation, shall be assessed an additional court cost in any matter where the use of alcohol was a factor involved in the commission of a crime.

Proposed law provides that any court that designates by rule, divisions or sections of the court as a specialized division or section having subject matter jurisdiction for a drug court, driving while intoxicated court, sobriety court, or other specialized subject matter jurisdiction shall assess the following costs:

- (1) \$100 for violation of present law or of any municipal or parochial ordinance prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs or underage driving under the influence.
- (2) \$100 for a violation of present law or of any municipal or parochial ordinance prohibiting the reckless operation of a motor vehicle.
- (3) \$50 for a violation of present law, or of any municipal or parochial ordinance prohibiting the contributing to delinquency of juveniles, improper supervision of a minor by parent or custodian or purchase, and public possession of alcoholic beverages by persons under the age of twenty-one years old.
- (4) \$25 for a violation of present law, or of any municipal or parochial ordinance prohibiting the unauthorized possession or consumption of alcoholic beverages on public school property or where public drinking, public possession of alcohol or appearing in an intoxicated condition in public, disturbing the peace, or vagrancy.
- (5) \$25 for a violation of present law, or of any municipal or parochial ordinance prohibiting the possession of open alcoholic beverage containers in vehicles.
- (6) \$25 for all other convictions of a misdemeanor, or any municipal or parochial ordinance, including a traffic felony, misdemeanor or a local traffic violation where the use of alcohol was a factor involved in the commission of the crime.

Proposed law authorizes any court that has a drug division, driving while intoxicated, or sobriety division, to use the fines provided for in proposed law for the development or maintenance of drug or alcohol treatment programs that are recognized or certified by the La. Supreme Court Drug Court Office, the National Highway Traffic Safety Administration, or the La. Highway Safety Commission.

Proposed law requires any court that collects fees pursuant to proposed law to deposit the monies into a special fund to be used solely for the funding of drug, alcohol, driving while

intoxicated, or sobriety division and any related treatment programs and associated administrative expenses. In the event that an individual is unable to pay the cost when assessed, the court may allow payment to be deferred within a certain time frame, based on the person's ability to pay the costs.

(Adds R.S. 13:1894.2)