

Regular Session, 2013

SENATE BILL NO. 240

BY SENATOR MURRAY

COURTS. Authorizes imposition of court cost in Orleans Parish Criminal District Court under certain circumstances to defray operating expenses of clerk. (2/3 - CA7s2.1) (gov sig)

1 AN ACT

2 To enact R.S. 13:1381.7, relative to courts and judicial procedure; to provide relative to the
3 Orleans Parish Criminal District Court; to provide relative to the office of the clerk
4 of court; to authorize the levy of certain court costs under certain circumstances for
5 the defraying of operating expenses of the clerk; to provide terms, conditions,
6 procedures and requirements; to provide an effective date; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:1381.7 is hereby enacted to read as follows:

10 **§1381.7. Additional court cost to defray operating expenses of clerk of the**

11 **Orleans Parish Criminal District Court**

12 **A. Notwithstanding any provision of law to the contrary and pursuant**
13 **to the provisions of this Section, a court cost not to exceed one hundred dollars**
14 **may be imposed upon any defendant, other than an indigent, who pleads guilty**
15 **or is convicted of an offense by the Criminal District Court for the Parish of**
16 **Orleans.**

17 **B. Such court cost may be imposed only under the following**

1 **circumstances:**

2 **(1) The annual budget provided by the funding source for the office of**
 3 **the clerk of the Criminal District Court for the Parish of Orleans consists of an**
 4 **amount less than that amount proposed by such clerk for his 2010 Fiscal Year**
 5 **budget.**

6 **(2) The monies derived from the imposition of such court cost are placed**
 7 **into a separate fund, hereby established and known as the Clerk of the Criminal**
 8 **District Court Operating Fund, dedicated to exclusive use by the clerk to defray**
 9 **the salaries and operating expenses of his office. No entity other than the clerk**
 10 **shall be authorized to use, transfer, or withdraw any amounts in such fund.**

11 **(3) Any monies remaining in such fund at the end of the fiscal year shall**
 12 **revert back to the funding source.**

13 Section 2. This Act shall become effective on upon signature by the governor or,
 14 if not signed by the governor, upon expiration of the time for bills to become law without
 15 signature by the governor, as provided by Article III, Section 18 of the Constitution of
 16 Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act
 17 shall become effective on the day following such approval.

The original instrument was prepared by Jerry G. Jones. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jay Lueckel.

DIGEST

Murray (SB 240)

Proposed law provides that a court cost not to exceed \$100 may be imposed upon 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.

Proposed law further provides that such court cost may be imposed only under the following circumstances:

- (1) The annual budget provided by the funding source for the office of the clerk of the Criminal District Court for the Parish of Orleans consists of an amount less than that amount proposed by such clerk for his 2010 Fiscal Year budget.
- (2) The monies derived from the imposition of such court cost are placed into a separate fund, hereby established and known as the Clerk of the Criminal District Court Operating Fund, dedicated to exclusive use by the clerk to defray the salaries and operating expenses of his office. No entity other than the clerk shall be authorized to use, transfer, or withdraw any amounts in such fund.

- (3) Any monies remaining in such fund at the end of the fiscal year shall revert back to the funding source.

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

(Adds R.S. 13:1381.7)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the original bill.

1. Technical amendments.
2. Makes effective on governor's signature or lapse of time for gubernatorial action.