

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **SB 179** SLS 13RS 412  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.: **w/ PROP SEN COMM AMD**  
 Sub. Bill For.:

<b>Date:</b> May 6, 2013	3:13 PM	<b>Author:</b> CLAITOR
<b>Dept./Agy.:</b>		<b>Analyst:</b> Stephanie C. Blanchard
<b>Subject:</b> Bail		

CRIMINAL PROCEDURE OR DECREASE LF EX See Note Page 1 of 1  
 Provides relative to bail. (gov sig)

Present law defines bail as the security given by a person to assure his appearance before the proper court whenever required. Proposed law redefines bail as an order of the court establishing the amount, type, and conditions of bond for the release of the defendant from jail. Provides for procedures for the enforcement of a judgment of bond forfeiture. If the sureties fail to make a timely deposit as required under proposed law, then the judgment of bond forfeiture shall be executed by the processing attorney in the same manner as any other money judgment, and the prosecuting attorney shall be entitled to reasonable attorney fees in the amount of twenty-five percent of judgment. Proposed law deletes present law relative to notice to a defendant of a court appearance date may be provided on the bond or in open court as well as by delivery or by mail. Provides that a surety may surrender the defendant within the surrender period, which must be within 60 days, rather than the 180 days in present law. The clerk of court shall mail notice of judgment of bond forfeiture to the surety and defendant only and certified mail is not required.

<b>EXPENDITURES</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
<b>Annual Total</b>						

<b>REVENUES</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

The proposed legislation will result in an indeterminable savings in local government (district attorneys, clerk of courts) expenditures. The proposed legislation eliminates the requirement of sending notice to the defendant's surety which reduces the number of subpoenas that will be issued. In addition, the cost of mailing notice of judgments will decrease since certified mail is no longer required. The amount of savings will vary depending on how many notices each district sends out. The exact fiscal impact is indeterminable as the LFO is unable to ascertain the specific number of notices being reduced and certified mailings that are eliminated as a result of this bill.

The proposed legislation is not anticipated to have a significant fiscal impact to the Department of Corrections (DOC). DOC typically does not hold offenders until after the sentencing process, whereas, bail is a pre-sentence procedure. Although DOC is statutorily permitted to hold pre-trial detainees, this is a rare circumstance and usually only occurs with high exposure or extremely violent crimes. Therefore, even on these rare occasions a pre-trial detainee is housed within the DOC system, the impact to the department should remain minimal.

In addition, the proposed legislation will also impact commercial surety companies because it shortens the timeframe from 6 months to 60 days in which a defendant may be surrendered before the full principle amount of the judgment of bond forfeiture.

**REVENUE EXPLANATION**

The proposed legislation will increase revenues for District Attorneys due to provisions regarding sureties. If the sureties fail to make a timely deposit as required under proposed law, then the judgment of bond forfeiture shall be executed by the processing attorney in the same manner as any other money judgment, and the prosecuting attorney shall be entitled to reasonable attorney fees in the amount of 25% of judgment.

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|-----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------|
| <u>Senate</u>                                                               | <u>Dual Referral Rules</u>                                                                 | <u>House</u> |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}       | <input type="checkbox"/> 6.8(F) >= \$500,000 Annual Fiscal Cost {S}                        |              |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |              |

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