

2015 Regular Session

HOUSE BILL NO. 209

BY REPRESENTATIVE TERRY LANDRY

CRIMINAL/PROCEDURE: Provides relative to the assessment of certain court costs and fees in parishes that participate in a criminalistics laboratory commission or a sheriff's criminalistics laboratory

1 AN ACT

2 To amend and reenact R.S. 40:2266.1(B)(1) and (2) and 2266.1.1(A)(1) and to repeal R.S.
3 40:2266.1(B)(6), relative to criminalistics laboratory commissions; to provide
4 relative to the assessment of certain court costs and fees in parishes participating in
5 a criminalistics laboratory commission; to provide for effectiveness; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:2266.1(B)(1) and (2) and 2266.1.1(A)(1) are hereby amended and
9 reenacted to read as follows:

10 §2266.1. Optional revenues; collection, handling, and disbursement thereof

11 * * *

12 B.(1) In all criminal cases prosecuted under state statutes, parish ordinances,
13 or city ordinances in any mayor's, city, parish, or district court of the state of
14 Louisiana ~~sitting~~ located within a parish which, upon approval of the governing body
15 of such parish, is or hereafter becomes a part of a criminalistics laboratory
16 commission or of a sheriff's criminalistics laboratory as ~~now or as hereafter~~
17 established by a legislative act, except in the city courts of the parish of Jefferson
18 where taxation of the following costs shall be optional, there shall be taxed as costs
19 against every defendant who is convicted after trial, or who enters a plea of guilty or

1 of nolo contendere, or who forfeits his bond, a sum in accordance with the following
2 schedule:

3 (a) Operating a vehicle while intoxicated and drug offenses--fifty dollars.

4 (b) Crimes defined in Title 14 of the Louisiana Revised Statutes of 1950--
5 ten dollars.

6 (c) ~~Violations~~ Except as provided in Paragraph (2) of this Subsection,
7 violations of the provisions of Title 32 of the Louisiana Revised Statutes of 1950, or
8 of city or parish traffic ordinances--~~ten~~ thirty dollars.

9 (2) ~~No sums, as provided for in Paragraph (1) hereof,~~ Notwithstanding any
10 provision of law to the contrary, a sum of ten dollars shall be charged or collected
11 in the following cases:

12 (a) Operating a vehicle with an expired inspection sticker.

13 (b) Operating a vehicle with an expired driver's license.

14 (c) Operating a vehicle without a driver's license upon one's person.

15 (d) Improper use of a safety belt in violation of R.S. 32:295.1.

16 (e) The commission of any offense defined in Title 56 of the Louisiana
17 Revised Statutes of 1950.

18 * * *

19 §2266.1.1. Fees and costs of court

20 A.(1) In all criminal cases prosecuted under state statutes, parish ordinances,
21 or city ordinances in any mayor's, city, or district court of the state of Louisiana
22 ~~sitting~~ located within a parish which is now, or hereafter becomes, a part of the
23 Acadiana Criminalistics Laboratory Commission, the North Louisiana Criminalistics
24 Laboratory Commission, the Southeast Louisiana Regional Criminalistics Laboratory
25 Commission, and any other criminalistics laboratory commission or of a sheriff's
26 criminalistics laboratory as ~~now or hereafter~~ established by legislative act, there shall
27 be assessed by the court, in addition to and separate from other costs, against every
28 defendant who is convicted after trial, or who enters a plea of guilty or of nolo

1 contendere, or who forfeits his bond, a fee in accordance with the following
2 schedule:

3 (a) Crimes which are misdemeanor offenses, except a violation of any
4 provision of Title 32 or Title 56 of the Louisiana Revised Statutes of 1950 or a
5 violation of any city or parish traffic ordinance, fifty dollars.

6 (b) Crimes which are felony offenses, one hundred fifty dollars.

7 (c) A fee not to exceed one thousand dollars, as reimbursement to the
8 commission if laboratory personnel performed a scientific test of any evidence seized
9 pursuant to the investigation or prosecution of a violation. The commission may
10 establish a schedule stating the estimated cost of performing the test which shall be
11 used by the court in determining the amount of the fees.

12 * * *

13 Section 2. R.S. 40:2266.1(B)(6) is hereby repealed in its entirety.

14 Section 3. The provisions of this Act shall become effective upon the approval of
15 the Judicial Council of the Supreme Court of Louisiana as provided by R.S. 13:62 which
16 requires any new court cost or fee or any increase in an existing court cost or fee to be
17 submitted to the Judicial Council of the Supreme Court of Louisiana for review.

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)]

HB 209 Engrossed

2015 Regular Session

Terry Landry

Abstract: Provides relative to the assessment of certain court costs and fees in parishes that participate in a criminalistics laboratory commission or a sheriff's criminalistics laboratory.

Present law provides that in all criminal cases prosecuted under state statutes, parish ordinances, or city ordinances in any mayor's, city, parish, or district court located within a parish that is part of a criminalistics laboratory commission or of a sheriff's criminalistics laboratory, there shall be taxed as costs against every defendant who is convicted, who enters a plea of guilty or of nolo contendere, or who forfeits his bond, a sum in accordance with the following:

- (1) Operating a vehicle while intoxicated and drug offenses - \$50.
- (2) Offenses included in the La. Criminal Code - \$10.
- (3) Violations of the provisions of Title 32 (Motor Vehicles and Traffic Regulation) or of city or parish traffic ordinances - \$10.

Present law further provides that the \$10 sum described in Paragraph (3) above shall not be charged or collected in the following cases:

- (1) Operating a vehicle with an expired inspection sticker.
- (2) Operating a vehicle with an expired driver's license.
- (3) Operating a vehicle without a driver's license upon one's person.

Proposed law amends present law as follows:

- (1) Increases, from \$10 to \$30, the sum levied in cases involving a violation of the Title 32 provisions or of a city or parish traffic ordinance, except for violations listed in Paragraph (2) below.
- (2) Provides that, for any of the following offenses, a sum of \$10 shall be charged and collected:
 - (a) Operating a vehicle with an expired inspection sticker.
 - (b) Operating a vehicle with an expired driver's license.
 - (c) Operating a vehicle without a driver's license upon one's person.
 - (d) Improper use of a safety belt in violation of present law.
 - (e) Commission of any offense defined in present law Title 56 (Wildlife and Fisheries).

Proposed law retains the present law provision that provides that in the city courts of Jefferson Parish, taxation of these costs shall be optional.

Present law provides that the taxation of additional costs for the necessary operating expenses of the commissions and laboratories in any mayor's court in a municipality with a population of 4,000 or less shall be optional.

Proposed law repeals this provision of present law.

Present law provides that in all criminal cases prosecuted under state statutes, parish ordinances, or city ordinances in any mayor's, city, or district court within a parish which is now, or hereafter becomes, a part of the Acadiana Criminalistics Laboratory Commission, the North Louisiana Criminalistics Laboratory Commission, the Southeast Louisiana Regional Criminalistics Laboratory Commission, and any other criminalistics laboratory commission or of a sheriff's criminalistics laboratory, there shall be assessed by the court, in addition to and separate from other costs, against every defendant who is convicted after trial, who enters a plea of guilty or of nolo contendere, or who forfeits his bond, a fee in accordance with the following schedule:

- (1) Crimes which are misdemeanor offenses - \$50.
- (2) Crimes which are felony offenses - \$150.
- (3) A fee not to exceed \$1,000, as reimbursement to the commission if laboratory personnel performed a scientific test of any evidence seized pursuant to the investigation or prosecution of a violation.

Proposed law amends present law to provide that the \$50 fee assessed in cases involving crimes which are misdemeanor offenses excludes violations of any provision of Title 32 or Title 56 of the LRS of 1950 or any violation of a city or parish traffic ordinance.

Provides that the provisions of proposed law shall become effective upon the approval of the Judicial Council of the Supreme Court of La.

(Amends R.S. 40:2266.1(B)(1) and (2) and 2266.1.1(A)(1); Repeals R.S. 40:2266.1(B)(6))