

2016 Regular Session

HOUSE BILL NO. 79

BY REPRESENTATIVE TERRY BROWN

COURTS/DISTRICT: Provides relative to the use of certain court funds in the Thirty-Ninth Judicial District

1 AN ACT

2 To amend and reenact R.S. 15:571.11(A)(1)(a) and to enact R.S. 13:3049(B)(1)(e)(vi),  
3 relative to the use of funds in the Thirty-Ninth Judicial District Court; to provide for  
4 the use of surplus monies in the juror compensation fund; to provide for certain  
5 prohibitions relative to the required minimum balance in the juror compensation  
6 fund; to provide for the use of certain funds in the Thirty-Ninth Judicial District  
7 Court's "Criminal Court Fund"; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:3049(B)(1)(e)(vi) is hereby enacted to read as follows:

10 §3049. Cash deposit; bond; duty to attend; compensation; procedure; filing fees

11 \* \* \*

12 B.(1)

13 \* \* \*

14 (e)(i)

15 \* \* \*

16 (vi)(aa) In the Thirty-Ninth Judicial District, the parish governing authority  
17 may adopt an ordinance which provides that surplus monies in the juror  
18 compensation fund that exceeds fifty thousand dollars at the end of each calendar  
19 year may be used to defray the expenses of the criminal court system.  
20 Notwithstanding any provisions to the contrary, all surplus monies in the special

1 fund at the end of each calendar year shall be transmitted by the governing authority  
2 to the Thirty-Ninth Judicial District Court for deposit into the court's criminal court  
3 fund no later than January thirty-first of each calendar year.

4 (bb) As used in this Item, "special fund" means the special fund provided for  
5 in this Subparagraph, and "surplus monies" means the amount of money that is in  
6 each special fund at the end of each calendar year and that is in excess of the total  
7 amount paid from costs of court collected as provided in Item (i) of this  
8 Subparagraph in that calendar year. No money obligated to be paid to any juror shall  
9 be considered surplus money pursuant to this Item.

10 (cc) For the purposes of this Item, the balance of fifty thousand dollars  
11 required to be maintained in the juror compensation fund shall mean fifty thousand  
12 dollars in unexpended and unencumbered funds, and under no circumstances shall  
13 the balance in the fund be reduced below fifty thousand dollars as a result of an  
14 expenditure made under the provisions of this Item.

15 \* \* \*

16 Section 2. R.S. 15:571.11(A)(1)(a) is hereby amended and reenacted to read as  
17 follows:

18 §571.11. Dispositions of fines and forfeitures

19 A.(1)(a) All fines and forfeitures, except for forfeitures of criminal bail  
20 bonds posted by a commercial security imposed by district courts and district  
21 attorneys, conviction fees in criminal cases, and prosecutions for violations of state  
22 law or parish ordinances, upon collection by the sheriff or executive officer of the  
23 court, shall be paid into the treasury of the parish in which the court is situated and  
24 deposited in a special "Criminal Court Fund" account, which, on motion by the  
25 district attorney and approval order of the district judge, may be used or paid out in  
26 defraying the expenses of the criminal courts of the parish as provided in ~~Ch.C.~~  
27 Children's Code Articles 419 and 421 and R.S. 16:6, in defraying the expenses of  
28 those courts in recording and transcribing of testimony, statements, charges, and  
29 other proceedings in the trial of indigent persons charged with the commission of

1 felonies, in defraying their expenses in the preparation of records in appeals in such  
 2 cases, for all expenses and fees of the petit jury and grand jury, for witness fees, for  
 3 attendance fees of the sheriff and clerk of court, for costs and expenses of a parish  
 4 law library, and for other expenses related to the judges of the criminal courts and  
 5 the office of the district attorney. In the Second Judicial District, the criminal court  
 6 fund shall be used to defray the expenses of the criminal court system. In the Thirty-  
 7 Ninth Judicial District, the criminal court fund shall be used to defray the expenses  
 8 of the criminal court system.  
 9 \* \* \*

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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**Abstract:** Provides for the use of surplus funds in the juror compensation fund of the 39<sup>th</sup> Judicial District Court to defray expenses of the criminal court system.

Present law requires the collection of court costs from certain criminal defendants to fund the compensation of jurors.

Proposed law authorizes the parish governing authority within the 39<sup>th</sup> JDC to adopt an ordinance, which authorizes the use of surplus funds that exceeds \$50,000 in the juror compensation fund at the end of each calendar year to be used to defray the expenses of its criminal court system.

Proposed law prohibits the use of any monies within the fund obligated for the payment of jurors from being considered surplus monies and further prohibits the balance in the fund to be reduced below \$50,000 for any expenditures as provided for in proposed law.

Present law requires all fines and forfeitures (except criminal bail bonds) imposed by a district court and a district attorney, to be paid upon collection into the parish treasury for deposit into a special "Criminal Court Fund" account for the purposes of defraying the court's expenses relative to indigent persons or other expenses relative to the judges of the criminal courts and the office of the district attorney.

Proposed law requires the monies in the criminal court fund of the 39<sup>th</sup> JDC to be used to defray the expenses of the criminal court system.

(Amends R.S. 15:571.11(A)(1)(a); Adds R.S. 13:3049(B)(1)(e)(vi))