

2016 Regular Session

HOUSE BILL NO. 689

BY REPRESENTATIVE JONES

COURTS/CITY: Provides relative to indigent defense services in certain city courts

1 AN ACT

2 To amend and reenact R.S. 13:2005.1, 2488.7, and 2488.77 and to enact R.S. 13:2005(D)
3 and (E), relative to city courts; to provide for the city courts of New Iberia, Franklin,
4 Breaux Bridge, and Morgan City; to provide for the creation of Indigent Defender
5 Fund Boards in those city courts; to provide for membership; to provide relative to
6 fees collected for purposes of indigent defense; to deposit a portion of those fees into
7 a special fund; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:2005.1, 2488.7, and 2488.77 are hereby amended and reenacted
10 and R.S. 13:2005(D) and (E) are hereby enacted to read as follows:

11 §2005. Morgan City

12 * * *

13 D. Thirty percent of the funds collected by the city court of Morgan City
14 pursuant to the provisions of R.S. 15:168(B) shall be deposited into a special fund
15 created for this purpose. The fund shall be referred to as the Morgan City Indigent
16 Defender Fund.

17 E. The Morgan City Indigent Defender Fund Board shall manage and
18 oversee funds remitted to the Morgan City Indigent Defender Fund and shall consist
19 of three members residing in the Morgan City Court district and shall be composed
20 of the following:

1 Franklin when the prosecution is on behalf of the town, and into the parish treasury
2 when the prosecution is on behalf of the state or the parish.

3 B. Notwithstanding any other provision of this Section to the contrary, thirty
4 percent of the funds collected by the city court of Franklin pursuant to the provisions
5 of R.S. 15:168(B) shall be deposited into a special fund created for this purpose. The
6 fund shall be referred to as the Franklin Indigent Defender Fund.

7 C. The Franklin Indigent Defender Fund Board shall manage and oversee
8 funds remitted to the Franklin Indigent Defender Fund and shall consist of three
9 members residing in the Franklin City Court district and shall be composed of the
10 following:

- 11 (1) One member appointed by the city council of Franklin.
- 12 (2) One member appointed by the St. Mary Parish Council.
- 13 (3) One member appointed by the legislative delegation from nominees from
14 the Louis A. Martinet Legal Society.

15 * * *

16 §2488.77. Collection of fines, forfeitures, penalties, and costs

17 A. The city judge, or any other officer of the city court designated by the city
18 judge, shall collect all fines, forfeitures, penalties, and costs, and all funds so
19 collected, excluding costs, shall be paid into the town treasury of the town of Breaux
20 Bridge when the prosecution is on behalf of the town, and into the parish treasury of
21 the St. Martin Parish police jury general fund when the prosecution is on behalf of
22 the state or the parish.

23 B. Notwithstanding any other provision of this Section to the contrary, thirty
24 percent of the funds collected by the city court of Breaux Bridge pursuant to the
25 provisions of R.S. 15:168(B) shall be deposited into a special fund created for this
26 purpose. The fund shall be referred to as the Breaux Bridge Indigent Defender Fund.

27 C. The Breaux Bridge Indigent Defender Fund Board shall manage and
28 oversee funds remitted to the Breaux Bridge Indigent Defender Fund and shall

- 1 consist of three members residing in the Breaux Bridge City Court district and shall
 2 be composed of the following:
- 3 (1) One member appointed by the city council of Breaux Bridge.
 4 (2) One member appointed by the St. Martin Parish Council.
 5 (3) One member appointed by the legislative delegation from nominees from
 6 the Louis A. Martinet Legal Society.

 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 689 Reengrossed

2016 Regular Session

Jones

Abstract: Requires 30% of funds collected by the city courts of Morgan City, New Iberia, Breaux Bridge, and Franklin to be deposited into a special indigent defender fund for indigent defense services in each city court, and to provide for the membership and function of those respective city court indigent defender fund boards.

Present law (R.S. 15:168) requires the collection of court costs in courts of original criminal jurisdiction in the amount of \$45 until Aug. 1, 2016, and \$35 thereafter. Provides that such funds shall be used and administered by the district public defender.

Proposed law retains present law except it requires 30% of those funds collected by the city court of Morgan City, to be deposited into the Morgan City Public Defender Fund.

Proposed law creates the Morgan City Public Defender Fund Board to manage and oversee funds remitted to the Morgan City Public Defender Fund. Membership of the board is comprised of three members each residing in the Morgan City Court district appointed as follows:

- (1) One member appointed by the city council of Morgan City.
- (2) One member appointed by the St. Mary Parish Council.
- (3) One member appointed by the legislative delegation and nominated from the Louis A. Martinet Legal Society.

Present law (R.S. 13:2005.1) provides that all fines, forfeitures, and penalties imposed by the city court of New Iberia shall be paid into the city treasury.

Proposed law retains present law except it requires 30% of those funds collected by the city court of New Iberia, to be deposited into the New Iberia Public Defender Fund.

Proposed law creates the New Iberia Public Defender Fund Board to manage and oversee funds remitted to the New Iberia Public Defender Fund. Membership of the board is comprised of three members each residing in the New Iberia City Court district appointed as follows:

- (1) One member appointed by the city council of New Iberia.
- (2) One member appointed by the Iberia Parish Council.
- (3) One member appointed by the legislative delegation and nominated from the Louis A. Martinet Legal Society.

Present law (R.S. 13:2488.7) provides that all fines, forfeitures, penalties, and costs designated by the city judge shall be paid into the Franklin town treasury when the prosecution is on behalf of the town and the parish treasury when the prosecution is on behalf of the state or parish.

Proposed law retains present law except it requires 30% of those funds collected by the city court of Franklin to be deposited into the Franklin Public Defender Fund.

Proposed law creates the Franklin Public Defender Fund Board to manage and oversee funds remitted to the Franklin Public Defender Fund. Membership of the board is comprised of three members each residing in the Franklin City Court district appointed as follows:

- (1) One member appointed by the city council of Franklin.
- (2) One member appointed by the St. Mary Parish Council.
- (3) One member appointed by the legislative delegation and nominated from the Louis A. Martinet Legal Society.

Present law (R.S. 13:2488.77) provides that all fines, forfeitures, penalties, and costs designated by the city judge shall be paid into the Breaux Bridge town treasury when the prosecution is on behalf of the town and into the parish treasury of the St. Martin Parish police jury general fund when the prosecution is on behalf of the state or parish.

Proposed law retains present law except it requires 30% of those funds collected by the city court of Breaux Bridge to be deposited into the Breaux Bridge Public Defender Fund.

Proposed law creates the Breaux Bridge Public Defender Fund Board to manage and oversee funds remitted to the Breaux Bridge Public Defender Fund. Membership of the board is comprised of three members each residing in the Breaux Bridge City Court district appointed as follows:

- (1) One member appointed by the city council of Breaux Bridge.
- (2) One member appointed by the St. Martin Parish Council.
- (3) One member appointed by the legislative delegation and nominated from the Louis A. Martinet Legal Society.

(Amends R.S. 13:2005.1, 2488.7, and 2488.77; Adds R.S. 13:2005(D) and (E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Creates the Franklin Public Defender Fund Board to manage and oversee funds remitted to the Franklin Public Defender Fund, and provides for its membership.
2. Creates the New Iberia Public Defender Fund Board to manage and oversee funds remitted to the New Iberia Public Defender Fund, and provides for its membership.
3. Creates the Morgan City Public Defender Fund Board to manage and oversee funds remitted to the Morgan City Public Defender Fund, and provides for its membership.
4. Provides that 30% of funds collected by the city court of Franklin, city court of New Iberia, and city court of Morgan City shall be deposited into the proposed law funds.
5. Adds technical amendments.

The House Floor Amendments to the engrossed bill:

1. Creates the Breaux Bridge Public Defender Fund Board to manage and oversee funds remitted to the Breaux Bridge Public Defender Fund, and provides for its membership.
2. Provides that 30% of funds collected by the city court of Breaux Bridge shall be deposited into the proposed law fund.