

RÉSUMÉ DIGEST

ACT 305 (HB 209)

2015 Regular Session

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Existing 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.

Prior law provided for a \$10 fee to be taxed as cost against every defendant for violations of the provisions of Title 32 (Motor Vehicles and Traffic Regulation) or of city or parish traffic ordinances.

Prior law further prohibited the \$10 sum from being 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.

New law amends prior 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 existing law.
 - (e) Commission of any offense defined in existing law Title 56 (Wildlife and Fisheries).

New law retains the existing law provision providing that in the city courts of Jefferson Parish, taxation of these costs shall be optional.

Prior law provided 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.

New law repeals this provision of prior law.

Existing 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.

New law provides an exception to existing 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 56 of the L.R.S. of 1950 or any violation of a city or parish traffic ordinance. Provides that the provisions of new 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))