

2019 Regular Session

SENATE BILL NO. 77

BY SENATORS TARVER AND MARTINY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS. Provides relative to the judicial expense fund for the First and Second Parish Courts of Jefferson Parish. (gov sig)

1 AN ACT
2 To amend and reenact 13:2562.22, relative to judicial expense funds; to provide relative to
3 the judicial expense funds for the First and Second Parish Courts of Jefferson Parish;
4 to provide relative to administration, procedures, and disbursements of funds; to
5 provide relative to audits of the judicial expense fund; to provide relative to salaries
6 paid out of the judicial expense fund; to provide terms and conditions; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:2562.22 is hereby amended and reenacted to read as follows:

10 §2562.22. Judicial expense fund; traffic case management and accident reporting
11 system

12 A. In all criminal cases over which the First and Second Parish Courts of
13 Jefferson Parish have jurisdiction, there shall be taxed as costs against every
14 defendant who is convicted after trial or after plea of guilty or who forfeits his bond,
15 a sum likewise determined but which shall not exceed fifteen dollars, which shall be
16 in addition to all other fines, costs, or forfeitures lawfully imposed, and which shall
17 be transmitted to the said clerk for further disposition in accordance herewith.

1 B. All sums collected or received under this Section shall be placed in a
2 ~~separate account, to be~~ **respectively in one of two separate accounts designated**
3 as the Judicial Expense Fund for the First **Parish Court of Jefferson Parish** and **the**
4 **Judicial Expense Fund for the** Second Parish ~~Courts~~ **Court** of Jefferson Parish. **All**
5 **sums shall be placed in the judicial expense fund associated with the court in**
6 **which the case was pending or adjudicated according to each court's**
7 **jurisdiction.** The judges, en banc, of ~~the courts~~ **each separate parish court** shall
8 have control over the ~~fund~~ **funds associated with their jurisdiction** and all
9 disbursements made therefrom. ~~They~~ **The judges** shall cause to be conducted
10 annually an audit of the ~~fund~~ **funds** and the books and accounts relating thereto, and
11 shall file the same with the office of the legislative auditor where ~~it~~ **the audits** shall
12 be available for public inspection.

13 C. **The judges, en banc, of each separate parish court shall determine**
14 **how the judicial expense funds are administered and maintained within their**
15 **jurisdiction, and where the judicial expense funds are kept including but not**
16 **limited to authorizing by cooperative endeavor agreement or otherwise the**
17 **Finance Department of the Parish of Jefferson to administer and maintain the**
18 **judicial expense funds in an account with other parish funds. No firm,**
19 **corporation, association, political subdivision and officers, or other entity,**
20 **public or private, is authorized to access, disburse, invest the monies in either**
21 **fund, or to use the monies in either fund as security, unless expressly authorized**
22 **by the judges, acting en banc, of each separate parish court.**

23 D. The judges, en banc, of ~~the First and Second Parish Courts of Jefferson~~
24 ~~Parish~~ **each separate parish court** may, in addition to salaries otherwise provided,
25 authorized, or established by law, fix and pay each of their court reporters a salary
26 from the judicial expense ~~fund~~ **funds**. The judges, en banc, **of each separate parish**
27 **court** may appoint such secretarial, clerical, research, administrative, or other
28 personnel as they deem necessary to expedite the business and functions of the ~~court~~
29 **courts**, and fix and pay all or any part of the salaries of such personnel out of the

1 monies in the judicial expense ~~fund~~ **funds**. In like manner, the judges, en banc, **of**
 2 **each separate parish court** may utilize the monies in the judicial expense ~~fund~~
 3 **funds within their respective jurisdiction** to pay all or any part of the cost of
 4 establishing and/or maintaining a law library for the court, or implementing and
 5 operating a traffic case management and accident reporting system, or for buying
 6 and/or maintaining any type of equipment, supplies, or other items consistent with
 7 or germane to the efficient operation of the court. In general, the judicial expense
 8 ~~fund is~~ **funds are** established and may be used for any purpose or purposes
 9 connected with, incidental to, or related to the proper administration or function of
 10 ~~the said~~ **each** court or the offices of the individual judges; and, is in addition to any
 11 and all other funds, salaries, expenses, and other monies that are now or hereafter
 12 provided, authorized, or established by law for any of the aforesaid purposes.

13 ~~D.E.~~ No salary shall be paid from the judicial expense ~~fund~~ **funds** for the
 14 parish courts to any of the judges of the courts except as may be paid for
 15 administering the said ~~fund~~ **funds**, and then only after prior legislative approval.

16 Section 2. This Act shall become effective upon signature by the governor or, if not
 17 signed by the governor, upon expiration of the time for bills to become law without signature
 18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 20 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 77 Original 2019 Regular Session Tarver

Present law provides that a defendant who is convicted in a criminal case shall pay a cost of no more than \$15 paid to the First and Second Parish Court of Jefferson Parish.

Present law further provides that the cost of no more than \$15 shall be placed in a separate account designated as the Judicial Expense Fund for the First and Second Parish Court of Jefferson Parish.

Proposed law provides that each court shall have an account to be designated as the Judicial Expense Fund for the First Parish Court of Jefferson Parish and the Judicial Expense Fund for the Second Parish Court of Jefferson Parish.

Proposed law provides that the \$15 cost assessed to a defendant shall be placed in the judicial expense fund associated with the court in which the defendant was adjudicated.

Proposed law provides that the judges of each separate parish court shall determine how the judicial expense funds are administered. Proposed law further provides that no firm, corporation, association, political subdivision and officers, or other entities shall access, disburse, invest, or use monies in either fund, unless expressly authorized by the judges of each fund.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:2562.22)