

Regular Session, 2010

SENATE BILL NO. 605

BY SENATOR MARTINY AND REPRESENTATIVES BILLIOT, GISCLAIR,
LABRUZZO, LIGI, LOPINTO AND TEMPLET

COURTS. Provides for an indigent transcript fund for the Twenty-Fourth Judicial District Court. (See Act)

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AN ACT

To amend and reenact R.S. 13:967(C)(1), (J) and (L), to enact R.S. 13:967(M), and to repeal Act No. 77 of the 2009 Regular Session of the Legislature, relative to the Twenty-fourth Judicial District; to provide for the establishment of an indigent transcript fund; to provide for court reporter fees; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:967(C)(1), (J) and (L) are hereby amended and reenacted and R.S. 13:967(M) is hereby enacted to read as follows:

§967. Twenty-Fourth Judicial District; court reporters; civil filing fees

* * *

C.(1) In all cases on appeal, the reporter shall be paid a fee not to exceed two dollars and fifty cents for each original page transcribed and, when a copy is requested by a litigant, shall furnish such copy and be paid a fee not to exceed one dollar for each page thereof, except that in criminal cases on appeal by indigent defendants, no more than a total of two dollars and seventy-five cents for each page transcribed, including all copies necessary for appeal, shall be charged to and paid

1 from any fund established by law for the payment of expenses incurred in the
 2 defense of indigent persons in criminal proceedings. Nothing in this Section shall
 3 be construed to make the governing authority of the parish of Jefferson
 4 responsible for the expenses or costs associated with the preparation of
 5 transcripts for an indigent defendant in a criminal proceeding, including but
 6 not limited to bills of exceptions, trials, motions, hearings on writs, or any other
 7 costs associated with an appeal in a criminal proceeding.

8 * * *

9 J. In all civil cases when a party is proceeding in forma pauperis cases the
 10 governing authority of the parish of Jefferson shall pay to the court reporters of the
 11 Twenty-Fourth Judicial District for the transcribing of testimony, when an appeal is
 12 taken or upon order of the judge, such amounts as would otherwise be required to be
 13 paid by the party who is proceeding in forma pauperis. Such payment shall be made
 14 at the time the transcription is filed, but only upon the written approval and order of
 15 the judge. Such payments shall not exceed the sum of fifteen hundred dollars for any
 16 one year to each of the said court reporters. The governing authority of the parish of
 17 Jefferson shall be legally subrogated to the rights of the court reporters of the
 18 Twenty-Fourth Judicial District as to all sums so paid for the transcription of
 19 testimony in pauper cases. All judgments in cases in which the pauper shall be cast
 20 for costs, together with a statement of such costs, shall be recorded by the clerk of
 21 court in the mortgage records of the parish of Jefferson for the amount of costs paid.
 22 The governing authority of the parish of Jefferson, at its expense, may have such
 23 judgments and statements of costs, or certified copies thereof, recorded in the
 24 mortgage records of any other parish or parishes and, when so recorded, they shall
 25 operate as judicial mortgages in favor of the governing authority of the parish of
 26 Jefferson for the amount of costs paid.

27 * * *

28 L. Each court reporter appointed under the provisions of ~~R.S. 13:967~~ this
 29 Section shall be required to take an oath of office, and to furnish bond for the faithful

1 performance of the duties of the office. The bond shall be in the sum of two thousand
2 dollars, and shall be approved by the judge making the appointment under ~~R.S.~~
3 ~~13:967A(2)~~ **Paragraph (A)(1) of this Section**, and by the senior judge of the court
4 for those appointments made under the provisions of ~~R.S. 13:967A(2)~~ **Paragraph**
5 **(A)(2) of this Section**. Each bond shall be in favor of the judges of the ~~twenty-fourth~~
6 ~~judicial district court~~ **Twenty-Fourth Judicial District Court**, and any party
7 litigant, for the purpose of protecting litigants against any acts of incompetence or
8 neglect of duties on the part of the reporters. It shall be recorded and filed in the
9 office of the clerk of court for the parish of Jefferson. Any party litigant shall have
10 a right to sue on said bond for any damages sustained by said party litigant by any
11 wrongful act or neglect of duty committed or omitted by the official court reporter
12 in the performance of the duties of official court reporters.

13 **M.(1) The courts of the Twenty-Fourth Judicial District shall establish**
14 **an indigent transcript fund to provide for the payment of court reporter fees for**
15 **transcripts as provided in this Subsection.**

16 **(2) In every court of original, appellate, supervisory, or concurrent**
17 **criminal jurisdiction in Jefferson Parish, including but not limited to the**
18 **Twenty-Fourth Judicial District Court, First Parish Court, Second Parish**
19 **Court, Juvenile Court, and all mayors' courts in municipalities, there shall be**
20 **assessed in all criminal cases, including traffic violations, except parking, an**
21 **additional cost set by a committee comprised on one representative from each**
22 **of the Twenty-Fourth Judicial District Court, First Parish Court of Jefferson**
23 **Parish, Second Parish Court of Jefferson Parish, the Public Defender's Office**
24 **of Jefferson Parish, and Jefferson Parish Administration, not to exceed an**
25 **amount of two dollars, against every defendant who is convicted after trial or**
26 **after a plea of guilty or nolo contendere. This additional cost shall be**
27 **transmitted to the court and deposited in a special account in the parish**
28 **treasury to be managed and administered by the parish treasurer for and on**
29 **behalf of the courts for the payment of court reporter fees for transcripts in**

1 **indigent defense cases.**

2 **(3) All monies received and deposited under the provisions of this**
 3 **Subsection shall be used to pay court reporter fees for transcripts to compensate**
 4 **court reporters for the preparation of transcripts for indigent defendants**
 5 **arising from criminal proceedings in the Twenty-Fourth Judicial District, First**
 6 **Parish Court and Second Parish Court, including but not limited to bills of**
 7 **exceptions, trials, motions, hearings on writs, and all other criminal**
 8 **proceedings.**

9 **(4) Nothing in this Subsection shall preclude a court from ordering the**
 10 **costs for the preparation of transcripts for indigent defendants in criminal**
 11 **proceedings be paid from any other fund established by general or specific law**
 12 **for the payment of expenses incurred in the defense of indigent persons in**
 13 **criminal proceedings.**

14 Section 2. Act No. 77 of the 2009 Regular Session of the Legislature is hereby
 15 repealed.

16 Section 3. Section 1 of this Act shall become effective on June 18, 2010.

17 Section 4. Sections 2, 3, and 4 of this Act shall become effective upon signature by
 18 the governor or, if not signed by the governor, upon expiration of the time for bills to
 19 become law without signature by the governor, as provided by Article III, Section 18 of the
 20 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the
 21 legislature, this Act shall become 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 Heyward Jeffers.

DIGEST

Present law provides that in all cases on appeal, the reporter shall be paid a fee not to exceed \$2.50 for each original page transcribed and, when a copy is requested by a litigant, shall furnish such copy and be paid a fee not to exceed one dollar for each page thereof, except that in criminal cases on appeal by indigent defendants, no more than a total of \$2.75 for each page transcribe, including all copies necessary for appeal, shall be charged to and paid from any fund established by law for the payment of expenses incurred in the defense of indigent persons in criminal proceedings.

Proposed law retains present law and provides that nothing shall be construed to make the governing authority of Jefferson Parish responsible for the expenses or costs associated with

the preparation of transcripts for an indigent defendant in a criminal proceeding, including but not limited to bills of exceptions, trials, motions, hearings on writs, or any other costs associated with an appeal in a criminal proceeding.

Present law provides that in all forma pauperis cases the governing authority of Jefferson Parish shall pay the court reporters of the 24th Judicial District for the transcribing of testimony, when an appeal is taken or upon order of the judge, such amounts as would otherwise be required to be paid by the party who is proceeding in forma pauperis.

Proposed law specifies that present law shall be applied in all civil cases when a party is proceeding in form pauperis.

Proposed law provides that the courts of the 24th Judicial District shall establish an indigent transcript fund to provide for the payment of court reporter fees for transcripts.

Proposed law provides that in every court of original, appellate, supervisory, or concurrent criminal jurisdiction in Jefferson Parish, including but not limited to the 24th Judicial District Court, First Parish Court, Second Parish Court, Juvenile Court, and all mayors' courts in municipalities, there shall be assessed in all criminal cases, including traffic violations, except parking, an additional cost set by the judges en banc, not to exceed the amount authorized in law, against every defendant who is convicted after trial or after a plea of guilty or nolo contendere. This additional cost shall be transmitted to the court and deposited in a special account in the parish treasury to be managed and administered by the parish treasurer for and on behalf of the courts for the payment of court reporter fees for transcripts in indigent defense cases.

Proposed law provides that all monies received and deposited shall be used to pay court reporter fees for transcripts in the following order:

1. To compensate court reporters for the preparation of transcripts for indigent defendants arising from criminal proceedings in the 24th Judicial District, First Parish Court and Second Parish Court, including but not limited to bills of exceptions, trials, motions, hearings on writs, and all other criminal proceedings.
2. To compensate juvenile court reporters for the preparation of transcripts arising from juvenile proceeding when the juvenile's parent or legal custodian or the adult, over whom the juvenile court is exercising jurisdiction, is found to be indigent in accordance with the law.

Proposed law provides that nothing shall preclude a court from ordering the costs for the preparation of transcripts for indigent defendants in criminal proceeding be paid from any other fund established by general or specific law for the payment of expenses incurred in the defense of indigent persons in criminal proceedings.

Proposed law effective June 18, 2010.

Repeal of present law effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 13:967(C)(1), (J) and (L); adds R.S. 13:967(M); repeals Act 77 of 2009 R.S.)