

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)

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:967(C)(1), (J) and (L) are hereby amended and reenacted and R.S.
9 13:967(M) is hereby enacted to read as follows:

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

11 * * *

12 C.(1) In all cases on appeal, the reporter shall be paid a fee not to exceed two
13 dollars and fifty cents for each original page transcribed and, when a copy is
14 requested by a litigant, shall furnish such copy and be paid a fee not to exceed one
15 dollar for each page thereof, except that in criminal cases on appeal by indigent
16 defendants, no more than a total of two dollars and seventy-five cents for each page
17 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, and Second Parish**
19 **Court, there shall be assessed in all criminal cases, including traffic violations,**
20 **except parking, an additional cost set by a committee comprised of one**
21 **representative from each of the Twenty-Fourth Judicial District Court, First**
22 **Parish Court of Jefferson Parish, Second Parish Court of Jefferson Parish, the**
23 **Public Defender's Office of Jefferson Parish, and Jefferson Parish**
24 **Administration, not to exceed an amount of two dollars, against every defendant**
25 **who is convicted after trial or after a plea of guilty or nolo contendere. This**
26 **additional cost shall be transmitted to the court and deposited in a special**
27 **account in the parish treasury to be managed and administered by the parish**
28 **treasurer for and on behalf of the courts for the payment of court reporter fees**
29 **for transcripts in indigent defense cases.**

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

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

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

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

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

The original instrument was prepared by Heyward Jeffers. The following
digest, which does not constitute a part of the legislative instrument, was
prepared by Jerry G. Jones.

DIGEST

Martiny (SB 605)

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 transcribed, 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 a 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, and Second Parish Court, 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 respective to compensation of 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.

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.)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to reengrossed bill.

1. Technical correction made.
2. Removes Juvenile Court and all mayor's courts in municipalities from the requirement of assessing the additional cost.