

Regular Session, 2011

SENATE BILL NO. 180

BY SENATOR HEITMEIER

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

CRIMINAL PROCEDURE. Provides relative to unclaimed bail bonds in the parish of Plaquemines. (8/15/11)

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AN ACT

To amend and reenact R.S. 15:86.1, relative to unclaimed cash bail bonds being deposited in Plaquemines Parish; to provide relative to the liability for such bonds; to provide for the return to the owner of an unclaimed cash bail bond; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:86.1 is hereby amended and reenacted to read as follows:

§86.1. Unclaimed bail bonds; disposition; return to owner

A. Notwithstanding any other provision of law to the contrary, any sheriff having possession or control of cash bail bonds which have been discharged and which remain unclaimed for more than three years, or which belong to an owner who is unknown or who has not been heard from for more than three years, shall deposit the same into the general fund of the sheriff, and thereafter the sheriff shall assume liability therefor. However, in the parishes of Caddo, ~~Plaquemines~~, East Baton Rouge, Bossier, and St. Mary, the sheriff shall pay such funds to the treasurer of the governing authority, who shall collect and receive this money and deposit it to the

1 credit of the general fund, and thereafter the sheriff shall be relieved of all liability  
2 therefor.

3 B. Any owner who claims a cash bail bond which has been deposited in the  
4 general fund of the sheriff or, in Caddo, ~~Plaquemines~~, East Baton Rouge, Bossier,  
5 and St. Mary Parishes, in the governing authority's general fund, pursuant to this  
6 Section shall be reimbursed from the sheriff's general fund or said governing  
7 authority's general fund upon establishing his claim thereto by a judgment of a court  
8 of competent jurisdiction. Upon being presented with a certified copy of the  
9 judgment, the sheriff or, in Caddo, ~~Plaquemines~~, East Baton Rouge, Bossier, and St.  
10 Mary Parishes, the treasurer, shall draw a warrant and pay out of the general fund of  
11 the sheriff or, in Caddo, ~~Plaquemines~~, East Baton Rouge, Bossier, and St. Mary  
12 Parishes, the general fund of the governing authority, the amount of the judgment.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Christopher D. Adams.

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#### DIGEST

Present law permits any sheriff having possession or control of cash bail bond which have been discharged and which remain unclaimed for more than three years or which belong to an owner who is unknown or who has not been heard from more than three years will be deposited into the general fund of the sheriff, and the sheriff will assume liability.

Present law requires the sheriffs in the parishes of Caddo, Plaquemines, East Baton Rouge, Bossier, and Saint Mary to deliver such bonds to the treasurer of the parish governing authority to be deposited in the parish general fund with the liability of the sheriff being relieved.

Present law states any owner who claims a cash bail bond deposited in the general fund of the sheriff or in the case of the parishes of Caddo, Plaquemines, East Baton Rouge, Bossier, and Saint Mary in the general fund of the parish governing authority will be reimbursed from these funds upon establishing a claim by a judgment of a court of competent jurisdiction.

Proposed law removes Plaquemines Parish from the list of specified parishes required to deposit such bonds in the general fund of the parish governing authority instead of the general fund of the sheriff.

Effective August 15, 2011.

(Amends R.S. 15:86.1)