

1 providing courthouse security and all expenses associated with the trial of a
2 capital case.

3 (bb) As used in this Item, "special fund" means the special fund provided
4 for in this Subparagraph, and "surplus monies" means the amount of money
5 that is in each special fund at the end of each calendar year and that is in excess
6 of the total amount paid from costs of court collected as provided in Item (e)(i)
7 of this Subparagraph in that calendar year. No money obligated to be paid to
8 any juror shall be considered surplus money pursuant to this Item.

9 (cc) For the purposes of this Item, the balance of fifty thousand dollars
10 required to be maintained in the juror compensation fund shall mean fifty
11 thousand dollars in unexpended and unencumbered funds, and under no
12 circumstances shall the balance in the fund be reduced below fifty thousand
13 dollars as a result of an expenditure made under the provisions of this Item.

14 * * *

15 Section 2. R.S. 15:255(P) is hereby enacted to read as follows:

16 §255. Witness fees to off-duty law enforcement officers

17 * * *

18 (P)(1) In the Sixteenth Judicial District, all surplus monies in the special
19 fund in each of the parishes in that district that exceed fifty thousand dollars at
20 the end of each calendar year shall be transmitted by the governing authorities
21 of those parishes to the criminal court fund of the Sixteenth Judicial District
22 Court. However, no single parish shall transfer more than one hundred fifty
23 thousand dollars per year to the criminal court fund of the Sixteenth Judicial
24 District Court. The surplus monies that are required to be transferred by this
25 Subsection shall be transferred no later than January thirty-first of each year,
26 and may be used for any purpose for which the other monies in the criminal
27 court fund of the Sixteenth Judicial District Court may be used.

28 (2) As used in this Subsection, "special fund" means the special fund
29 provided for in Subsection D of this Section, and "surplus monies" means the

1 **amount of money that is in each special fund at the end of each calendar year**
 2 **and that is in excess of the total amount paid from each special fund as witness**
 3 **fees for off-duty law enforcement officers in that calendar year. No money**
 4 **obligated to be paid to any officer or agency for an off-duty law enforcement**
 5 **officer's court appearance shall be considered surplus money pursuant to this**
 6 **Subsection.**

7 **(3) For the purposes of this Subsection, the balance of fifty thousand**
 8 **dollars required to be maintained in the witness fee fund shall mean fifty**
 9 **thousand dollars in unexpended and unencumbered funds, and under no**
 10 **circumstances shall the balance in the witness fee fund be reduced below fifty**
 11 **thousand dollars as a result of a transfer made under the provisions of this**
 12 **Subsection.**

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by James Benton.

DIGEST

Mills (SB 72)

Present law provides that the jurors in criminal cases who attend may demand and receive from the parish treasury compensation and an allowance for mileage necessarily traveled going to and from the courthouse to be fixed by the district judges of each judicial district, sitting en banc, subject to approval by the parish governing authority. The compensation shall be \$25 for each day of attendance in court, and the mileage allowance shall be not less than 16 cents per mile nor more than the rate in effect for state officials.

Proposed law retains present law, and further provides that in the 16th Judicial District, parish governing authority may adopt an ordinance which provides that surplus monies in the juror compensation fund in their respective parish that exceeds \$50,000 as the end of each calendar year may also be used to defray the costs of providing courthouse security and all expenses associated with the trial of a capital case.

Proposed law defines "special fund" as the special fund provided for in present law and defines "surplus monies" as the amount of money that is in each special fund at the end of each calendar year and that is in excess of the total amount paid from each special fund as juror compensation in that calendar year.

Proposed law provides that no money obligated to be paid to any juror is to be considered surplus money pursuant to proposed law.

Proposed law further provides that the balance of \$50,000 required to be maintained in the juror compensation fund means \$50,000 in unexpended and unencumbered funds, and under no circumstances is the balance in the juror compensation fund to be reduced below \$50,000 as a result of an expenditure made under the provisions of proposed law.

Present law provides that whenever a law enforcement officer is required to be present, in his official capacity, as a witness in any criminal case or delinquency adjudication in any district or parish court, or any court exercising juvenile jurisdiction, during any time he is not required to report to work or perform the duties of his office, the law enforcement officer is to be paid \$50 for each day per case, up to \$150 in any one day regardless of the number of cases for which he is present or whether he actually testified in the case. Present law further provides that the witness fees provided for by present law are to be paid from costs of court collected in individual cases tried in district or parish courts or in any court exercising juvenile jurisdiction, to be assessed as a part of the costs of court to be collected in such cases and collected for each case in which there is a plea of guilty or in which there is a conviction. Present law further provides that all of these costs are to be placed in a special fund that is to be maintained and administered by the governing authority.

Proposed law retains present law, and further provides that in the 16th Judicial District, all surplus monies in the special fund in each of the parishes in that district that exceed \$50,000 at the end of each calendar year are to be transmitted by the governing authorities of those parishes to the criminal court fund of the 16th Judicial District Court. Proposed law further provides that no single parish can transfer more than \$150,000 per year to the criminal court fund of the 16th JDC.

Proposed law further provides that the surplus monies that are required to be transferred by proposed law are to be transferred no later than January 31st of each year, and may be used for any purpose for which the other monies in the criminal court fund of the 16th JDC may be used.

Proposed law defines "special fund" as the special fund provided for in present law and defines "surplus monies" as the amount of money that is in each special fund at the end of each calendar year and that is in excess of the total amount paid from each special fund as witness fees for off-duty law enforcement officers in that calendar year.

Proposed law provides that no money obligated to be paid to any officer or agency for an off-duty law enforcement officer's court appearance is to be considered surplus money pursuant to proposed law.

Proposed law further provides that the balance of \$50,000 required to be maintained in the witness fee fund means \$50,000 in unexpended and unencumbered funds, and under no circumstances is the balance in the witness fee fund to be reduced below \$50,000 as a result of a transfer made under the provisions of proposed law.

Effective August 1, 2012.

(Adds R.S. 13:3049(B)(1)(e)(iii) and R.S. 15:255(P))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.

1. Adds provisions regarding surplus juror compensation fees.