

2016 Regular Session

SENATE BILL NO. 406

BY SENATORS LAMBERT AND CLAITOR

INDIGENT DEFENSE. Authorizes collection of special costs from individuals participating in pretrial diversion programs to be allocated to the local indigent defender fund. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 15:168(B)(1) and to enact R.S. 15:168.1, relative to the judicial
3 district indigent defender fund; to maintain at its current level the amount of special
4 costs assessed against criminal defendants and remitted to the fund; to authorize the
5 assessment of certain special costs against an offender participating in a pretrial
6 diversion program under certain circumstances; to provide relative to payment of the
7 assessment; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:168(B)(1) is hereby amended and reenacted and R.S. 15:168.1 is
10 hereby enacted to read as follows:

11 §168. Judicial district indigent defender fund

12 * * *

13 B.(1) Every court of original criminal jurisdiction, except in the town of
14 Jonesville, in the city of Plaquemine, and in mayors' courts in municipalities having
15 a population of less than five thousand, shall remit the following special costs to the
16 district indigent defender fund for the following violations, under state statute as well
17 as under parish or municipal ordinance, except a parking violation. The sum of forty-

1 five dollars shall be assessed in cases in which a defendant is convicted after a trial,
 2 a plea of guilty or nolo contendere, or after forfeiting bond and shall be in addition
 3 to all other fines, costs, or forfeitures imposed. ~~The court cost of forty-five dollars~~
 4 ~~authorized by the provisions of this Subsection shall expire on August 1, 2016, and~~
 5 ~~thereafter the court cost authorized by the provisions of this Subsection shall be~~
 6 ~~thirty-five dollars. The Louisiana Public Defender Board shall provide a detailed~~
 7 ~~report to the Louisiana Legislature prior to the 2016 Regular Session detailing how~~
 8 ~~the funds provided for by this Subsection were utilized in each judicial district.~~
 9 ~~Mayors' courts which are required to assess the court cost of thirty-five dollars on~~
 10 ~~June 7, 2012, shall continue to assess such amount as cost of court.~~

11 * * *

12 **§168.1. Pretrial diversion programs; special court costs**

13 **A.(1) Notwithstanding any other provision of law, in all felony or**
 14 **misdemeanor cases, including traffic offenses, a person who has entered into a**
 15 **pretrial diversion agreement with a district attorney's office may be assessed the**
 16 **special costs provided for by R.S. 15:168(B)(1) in the amount designated**
 17 **therein.**

18 **(2) The amounts assessed pursuant to Paragraph (1) of this Subsection**
 19 **shall be paid by money order or cashier's check made payable to the indigent**
 20 **defender fund of the respective judicial district, and shall include the name of**
 21 **the pretrial diversion participant and the date of the assessment.**

22 **B. The funds provided for in this Section, and any other self-generated**
 23 **revenue and all interest or other income earned from the investment of such**
 24 **funds and self-generated revenue, shall be retained in the judicial district and**
 25 **shall be used and administered by the district public defender.**

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alden A. Clement Jr.

administered by the district public defender and is to be composed of funds provided for by present law, as well as other funds as may be appropriated or otherwise made available to it.

Proposed law retains present law.

Present law provides that every court of original criminal jurisdiction (except in the town of Jonesville in the city of Plaquemine, and in mayors' courts in municipalities having a population of less than 5,000) are to remit \$45 to the district indigent defender fund for present law violations, except parking violations, in which the defendant is convicted after a trial, a plea of guilty or nolo contendere, or after forfeiting bond, and this amount is in addition to all other fines, costs, or forfeitures imposed.

Proposed law retains present law.

Present law provides that the court cost of \$45 expires on 8/1/16 and after that date will be \$35. Present law further provides that mayors' courts that are required to assess the court cost of \$35 on 6/7/12 are to continue to assess such amount as cost of court after 8/1/16.

Proposed law deletes these provisions of present law.

Present law provides that the La. Public Defender Board is to provide a detailed report to the legislature prior to the 2016 Regular Session detailing how the funds provided for by present law were utilized in each judicial district.

Proposed law deletes present law as the deadline for filing the report required by present law has passed.

Proposed law provides that in all felony or misdemeanor cases, including traffic offenses, a person who has entered into a pretrial diversion agreement with a district attorney's office may be assessed the special costs provided for by present law in the amount designated in present law.

Proposed law provides that the amounts assessed pursuant to proposed law are to be paid by money order or cashier's check made payable to the indigent defender fund of the respective judicial district, and must include the name of the pretrial diversion participant and the date of the assessment.

Proposed law provides that the funds provided for in proposed law, as well as any other self-generated revenue and all interest or other income earned from the investment of such funds and self-generated revenue, are to be retained in the district and used and administered by the district public defender.

Effective August 1, 2016.

(Amends R.S. 15:168(B)(1); adds R.S. 15:168.1)