

2016 Regular Session

SENATE BILL NO. 406

BY SENATORS LAMBERT AND CLAITOR

INDIGENT DEFENSE. Provides relative to the judicial district indigent defender fund.
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 15:168(B)(1), relative to the judicial district indigent defender
3 fund; to provide for an effective date; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

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

6 §168. Judicial district indigent defender fund

7 * * *

8 B.(1) Every court of original criminal jurisdiction, except in the town of
9 Jonesville, in the city of Plaquemine, and in mayors' courts in municipalities having
10 a population of less than five thousand, shall remit the following special costs to the
11 district indigent defender fund for the following violations, under state statute as well
12 as under parish or municipal ordinance, except a parking violation. The sum of forty-
13 five dollars shall be assessed in cases in which a defendant is convicted after a trial,
14 a plea of guilty or nolo contendere, or after forfeiting bond and shall be in addition
15 to all other fines, costs, or forfeitures imposed. ~~The court cost of forty-five dollars~~
16 ~~authorized by the provisions of this Subsection shall expire on August 1, 2016, and~~
17 ~~thereafter the court cost authorized by the provisions of this Subsection shall be~~

1 ~~thirty-five dollars. The Louisiana Public Defender Board shall provide a detailed~~
 2 ~~report to the Louisiana Legislature prior to the 2016 Regular Session detailing how~~
 3 ~~the funds provided for by this Subsection were utilized in each judicial district.~~
 4 ~~Mayors' courts which are required to assess the court cost of thirty-five dollars on~~
 5 ~~June 7, 2012, shall continue to assess such amount as cost of court.~~

6 * * *

7 Section 2. This Act shall become effective upon signature by the governor or, if not
 8 signed by the governor, upon expiration of the time for bills to become law without signature
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 11 effective on the day following such approval.

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 Ashley Menou.

DIGEST

SB 406 Engrossed

2016 Regular Session

Lambert

Present law creates within each judicial district an indigent defender fund that is to be 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.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:168(B)(1))

Summary of Amendments Adopted by Senate

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

1. Deletes provisions allowing a person who has entered into a pretrial diversion agreement with a district attorney's office to be assessed special court costs.
2. Deletes provision requiring any special court costs collected from a person in a pretrial diversion agreement be paid to the indigent defender fund of the judicial district of the pretrial diversion participant to be administered by the district public defender.
3. Changes the effective date from August 1, 2016 to upon signature of the governor.