

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 92****2016 Regular Session****James**

COURTS/COURT COSTS: Repeals the warrant recall fees collected to fund a misdemeanor jail in East Baton Rouge Parish

Synopsis of Senate Amendments

1. Authorizes a person, on or before August 1, 2017, to apply for a refund of a warrant recall fee that the person has paid pursuant to a provision being repealed by proposed law.
2. Provides for the procedure by which an applicant may obtain a refund.
3. Requires the finance director of East Baton Rouge Parish to issue a refund check or notification of disallowance within 30 days after receipt of a properly completed request and defines "properly completed request".
4. Authorizes an applicant to resubmit an application within 30 days of a receipt of a notification of a disallowed request.
5. Provides that failure of the finance director to timely process and pay a refund shall entitle the applicant to interest accruing from the date the properly completed request or reconsideration of a disallowed request is received by the finance director.
6. Changes the way all sums remaining in the Misdemeanor Detention Fund (the "Fund") are distributed to the East Baton Rouge Public Defender's Office and the East Baton Rouge District Attorney's Office, provides the purpose for which such funds may be used, and requires an annual audit of the Fund.
7. Makes technical amendments.
8. Adds an emergency effective date.

Digest of Bill as Finally Passed by Senate

Present law requires the 19th JDC, East Baton Rouge Parish Family Court, Baker City Court, and the Zachary City Court to levy and impose a \$50 warrant recall fee on all persons who fail to appear on all misdemeanor offenses and traffic offenses where a warrant for arrest is issued. Provides that the proceeds shall be used to pay the expenses of operating a misdemeanor detention facility in the parish.

Present law requires the Baton Rouge City Court to levy and impose a \$25 warrant recall fee on all persons who fail to appear on all misdemeanor offenses and traffic offenses where a warrant for arrest is issued. Provides that the proceeds shall be used to pay the expenses of operating a misdemeanor detention facility in East Baton Rouge Parish.

Present law requires each clerk of court to place all sums collected or received with the finance director for the parish of East Baton Rouge, who shall place the funds in the Misdemeanor Detention Fund.

Present law requires all monies in this account to be used solely for the purpose of paying expenses associated with the operation of a misdemeanor detention facility in the parish and requires the finance director to conduct an annual audit of the fund.

Present law requires all law enforcement agencies within the parish to confer for the purpose of creating and implementing additional pilot programs for the periodic targeted enforcement of outstanding warrants until sufficient revenues are generated to sustain the permanent operation of the misdemeanor detention facility.

Present law authorizes the mayor-president to expend funds and enter into cooperative endeavor agreements with all courts, the sheriff of East Baton Rouge Parish, and all other law enforcement agencies within the parish in order to carry out the provisions of present law, subject to the approval of the Metropolitan Council.

Present law requires the mayor-president through the finance department to report quarterly to the Metropolitan Council and the courts within the parish on the Misdemeanor Detention Fund, including recommendations regarding necessary adjustments and the financial feasibility of the misdemeanor warrant enforcement programs.

Proposed law repeals present law, and allows a person to apply for a refund of a warrant recall fee on or before August 1, 2017.

Proposed law provides for the process for an applicant to obtain a refund. Proposed law further requires the finance director for East Baton Rouge Parish to issue a refund check or notification of disallowance within 30 days after receipt of a properly completed request, and allows for the resubmission of an application within 30 days of a receipt of a notification of a disallowed request.

Proposed law provides that the failure of the finance director to timely process and pay a refund shall entitle the applicant to interest accruing from the date the properly completed request or reconsideration of a disallowed request is received by the finance director.

Proposed law provides that all sums remaining on Aug. 1, 2018, which are not subject to any claims, shall be distributed to the East Baton Rouge Public Defender's Office and the District Attorney's Office in equal parts to provide 24-hour service to the East Baton Rouge Parish jail.

Proposed law requires an annual audit of the Fund to be sent to the legislative auditor and made available for public inspection.

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

(Repeals R.S. 13:1000.10, 1415, 2002.1, 2488.40, and 2489.1)