

2016 Regular Session

HOUSE BILL NO. 92

BY REPRESENTATIVE JAMES

1 AN ACT

2 To repeal R.S. 13:1000.10, 1415, 2002.1, 2488.40, and 2489.1, relative to warrant recall fees
3 to fund a misdemeanor detention facility in East Baton Rouge Parish; to provide for
4 the distribution of funds collected; to provide procedures; to repeal statutory
5 authority for the levying and collection of such fees; to provide an effective date; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:1000.10, 1415, 2002.1, 2488.40, and 2489.1 are hereby repealed
9 in their entirety.

10 Section 2.(A) On or before December 31, 2016, a person may apply to the finance
11 director of East Baton Rouge Parish for a refund of a warrant recall fee that the person has
12 paid pursuant to R.S. 13:1000.10, 1415, 2002.1, 2488.40, or 2489.1 as set forth in this
13 Section.

14 (B)(1) To obtain a refund pursuant to the provisions of this Section, a properly
15 completed request shall be submitted to the finance director for the parish of East Baton
16 Rouge on forms provided by the finance director. Requests may be submitted electronically
17 with the approval of the finance director. Within thirty days after the date that a properly

1 completed request is received by the finance director, the finance director shall issue a
2 refund check to the applicant or shall notify the applicant of the disallowance of the request.

3 (2) For purposes of this Section, a "properly completed request" means a request that
4 includes the information required on the face of the request form and is signed by the
5 applicant.

6 (3) Within thirty days from receipt of the notification of a disallowed request, the
7 applicant may resubmit a properly completed request to the finance director for
8 reconsideration. The time periods for reconsideration of a disallowed request shall be the
9 same as the time periods for consideration of the initial request.

10 (4) Failure of the finance director to timely process and pay a refund in accordance
11 with this Section shall entitle the applicant to interest on the amount of the refund allowed
12 in the properly completed request. Interest shall begin to accrue on the date the properly
13 completed request or reconsideration of a disallowed request is received by the finance
14 director at the rate established pursuant to the provisions of R.S. 13:4202.

15 (C) All sums remaining in the Misdemeanor Detention Fund on January 1, 2017,
16 shall be distributed as follows:

17 (1) The total amount of the sums collected and deposited to the Misdemeanor
18 Detention Fund by the Baker City Court shall be returned to that court in its entirety.

19 (2) The total amount of the sums collected and deposited to the Misdemeanor
20 Detention Fund by the Zachary City Court shall be return to that court in its entirety.

21 (3) The total amount of the sums collected and deposited to the Misdemeanor
22 Detention Fund by the Nineteenth Judicial District Court, East Baton Rouge Family Court,
23 and the Baton Rouge City Court shall be distributed as follows:

24 (a) Fifty percent of the remaining funds shall be returned to the court that collected
25 those sums in proportion to the amount of funds collected and deposited to the Misdemeanor
26 Detention Fund by each court.

27 (b) Twenty-five percent of the remaining funds shall be transferred to the East Baton
28 Rouge Public Defender's Office.

29 (c) Twenty-five percent of the remaining funds shall be transferred to the East Baton
30 Rouge Parish District Attorney's Office.

1 Section 3. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____