2019 Regular Session

HOUSE BILL NO. 220

BY REPRESENTATIVE MUSCARELLO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS: Provides relative to the collection of fines

1   AN ACT

2   To amend and reenact R.S. 13:1898(A) and (C), relative to mayor's courts; to provide

3   relative to fines, forfeitures, penalties, and costs; to authorize mayor's courts to

4   collect fines, forfeitures, penalties, and costs; to provide for the means in which

5   mayor's courts can collect the payments of fines, forfeitures, penalties, and costs; to

6   provide relative to the processing fee on certain transactions; and to provide for

7   related matters.

8   Be it enacted by the Legislature of Louisiana:

9   Section 1. R.S. 13:1898(A) and (C) are hereby amended and reenacted to read as

10   follows:

11   §1898. Collection and disposition of fines, forfeitures, penalties, and costs in city

12   court

13   A. Except as otherwise provided by special law and in Subsection B of this

14   Section, the clerk of the city court, mayor's court, or the marshal, as designated by

15   the judge, or a private collection agency as authorized by contract with the municipal

16   governing authority, shall collect all fines, forfeitures, penalties, and costs, and all

17   funds so collected by them, excluding costs, shall be paid into the city treasury when

18   the prosecution is on behalf of the city and into the parish treasury to be deposited

19   in the parish general fund and used as a general expenditure of the parish, in parishes

1   other than Orleans, when the prosecution is on behalf of the state or parish. The

2   amount of the debt shall not be reduced if collected by a private collection agency.

3   *   *   *

4   C. The clerk of the city court, mayor's court, or the marshal may accept

5   payment by credit card or electronic check for all fines, forfeitures, penalties, and

6   costs. The clerk of the city court, mayor's court, or the marshal shall collect a fee for

7   processing the payments in an amount that is reasonably related to the expense

8   incurred by the clerk, mayor's court, or marshal in processing the payment by credit

9   card, not to exceed five percent of the amount of taxes and any penalties or interest

10   being paid. The fee shall be in addition to the amount of fines, forfeitures, penalties,

11   or costs.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part
of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute
part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 220 Original   2019 Regular Session   Muscarello

Abstract: Authorizes the mayor's courts to collect fines, forfeitures, penalties, and costs
and provides a means of payment for such fines, forfeitures, penalties, and costs.

Present law requires the clerk of city court or the marshal to collect all fines, forfeitures,
penalties, and costs.

Present law requires all funds collected, except for costs, to be paid into the city treasury
when the prosecution is on behalf of the city and into the parish treasury to be deposited in
the parish general fund when the prosecution is on behalf of the state or parish.

Present law provides different methods for payment of fines and provides for a processing
fee for certain transactions, which cannot exceed five percent of the amount of taxes and any
penalties or interest paid.

Present law further provides that the fee shall be in addition to the amount of the fines,
forfeitures, penalties, or costs.

Proposed law retains present law and adds a provision that allows mayor's courts to collect
fines, forfeitures, penalties, and costs. Proposed law also authorizes mayor's courts to accept
such payments via credit card or electronic check, and to collect a processing fee consistent
with present law.

(Amends R.S. 13:1898(A) and (C))

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored
are additions.