

**HOUSE COMMITTEE AMENDMENTS**

2020 Regular Session

Amendments proposed by House Committee on Judiciary to Original House Bill No. 842  
by Representative Hilferty

1 AMENDMENT NO. 1

2 On page 1, line 3, after "R.S. 16:16.3(A), and" delete the remainder of the line and insert  
3 "R.S. 22:822(A) and (B)(3), to enact R.S. 13:1381.5(B)(2)(e), and to repeal R.S. 13:1377,"

4 AMENDMENT NO. 2

5 On page 1, line 18, after "reenacted" and before "to" insert "and R.S. 13:1381.5(B)(2)(e) is  
6 hereby enacted"

7 AMENDMENT NO. 3

8 On page 3, delete lines 20 and 21 in their entirety and insert the following:

9 "(a)(i) ~~Forty~~ Twenty percent of all funds received to the Orleans  
10 Parish ~~criminal district court's judicial expense fund~~ court.

11 (ii) The funds received by the court pursuant to this Subparagraph  
12 shall be deposited into a special escrow account, retained for one year, and  
13 shall then be disbursed to the city of New Orleans to be used in defraying the  
14 expenses of the criminal justice system in Orleans Parish.

15 \* \* \*

16 (e) Twenty percent of all funds received to the Clerk of the Criminal District  
17 Court Expense Fund for the parish of Orleans."

18 AMENDMENT NO. 4

19 On page 4, delete lines 13 through 27 in their entirety and insert the following:

20 "D.(1) All fines and forfeitures, including forfeitures of criminal bail  
21 bonds, imposed in criminal cases and prosecutions by the courts of Orleans  
22 Parish and any payments ordered as a condition of probation under Code of  
23 Criminal Procedure Article 895.1(B)(2) shall, upon collection, be paid to the  
24 criminal sheriff of Orleans Parish who shall deposit same in a special  
25 account, and shall thereafter be divided equally between the district attorney  
26 of Orleans Parish and the criminal district court of Orleans Parish ~~in two~~  
27 ~~special accounts, one account to be administered by the judges of the~~  
28 ~~criminal district court of Orleans Parish, and the other.~~

29 (2) The portion provided to the district attorney of Orleans Parish  
30 pursuant to this Subsection shall be deposited into a special account to be  
31 administered by the district attorney of Orleans Parish to be used in defraying  
32 the expenses of the ~~criminal courts of the parish, extraditions, and such other~~  
33 ~~expenses pertaining to the operation of the criminal court of Orleans Parish~~  
34 ~~and the office of the district attorney of Orleans Parish.~~

35 (3) The portion provided to the criminal district court of Orleans  
36 Parish pursuant to this Subsection shall be deposited into a special escrow  
37 account and retained for one year and shall then be disbursed to the city of  
38 New Orleans to be used in defraying the expenses of the criminal justice  
39 system of the parish, extraditions, and other expenses pertaining to the  
40 operation of the criminal justice system of Orleans Parish.

41 (4) Disbursements from the ~~criminal sheriff's~~ account to the criminal  
42 district court and district attorney shall be made on an equal basis. ~~Said and~~

the accounts shall be annually audited by the director of finance of the city  
of New Orleans."

AMENDMENT NO. 5

On page 5, line 9, after "Section 4." and before "hereby" change "R.S. 22:822(B)(3) is" to  
"R.S. 22:822(A) and (B)(3) are"

AMENDMENT NO. 6

On page 5, delete line 11 in its entirety and insert the following:

"A. ~~There shall be a fee on~~ On premiums for all commercial surety  
underwriters who write criminal bail bonds in the state of Louisiana, as  
follows:

(1) ~~Except in the parish of Orleans, the~~ there shall be a fee shall be  
equal to two dollars for each one hundred dollars worth of liability  
underwritten by the commercial surety. Except as authorized under the  
provisions of R.S. 13:718(I)(2), this shall be the exclusive fee or tax on any  
criminal bail bond premium, including thereto premium taxes owed. In  
furtherance of the payment of this premium fee all commercial surety  
underwriters underwriting criminal bail bonds in the state of Louisiana shall,  
upon submitting the appearance bond and their power of attorney,  
simultaneously pay to the sheriff of the parish, except in the parish of  
Orleans, a fee of two dollars for each one hundred dollars worth of liability  
on the bail bond being presented for the release of a person on bail. Failure  
to pay the fee shall prevent the sheriff from accepting the appearance bond  
and power of attorney. The sheriff may receive the fee by check or cash and  
shall only accept it from the surety or the agent of the surety. In the event a  
surety or agent of the surety presents payment of the fee by an instrument  
which is returned for insufficient funds, the agent or the agent of the surety  
shall be prevented from presenting the appearance bonds with their power of  
attorney attached until the outstanding fees are paid to the sheriff.

(2) ~~In the parish of Orleans, the fee shall be equal to three dollars for  
each one hundred dollars worth of liability underwritten by the commercial  
surety. This shall be the exclusive fee or tax on any criminal bail bond  
premium, including thereto premium taxes owed. In furtherance of the  
payment of this premium fee, all commercial surety underwriters  
underwriting criminal bail bonds in the parish of Orleans shall, upon  
submitting the appearance bond and their power of attorney, simultaneously  
pay to the sheriff a fee of three dollars for each one hundred dollars worth of  
liability on the bail bond being presented for the release of a person on bail.  
Failure to pay the fee shall prevent the sheriff from accepting the appearance  
bond and power of attorney. The sheriff may receive the fee by check or  
cash and shall accept only it from the surety or the agent of the surety. In the  
event a surety or agent of the surety presents payment of the fee by an  
instrument which is returned for insufficient funds, the agent or the agent of  
the surety shall be prevented from presenting the appearance bonds with their  
power of attorney attached until the outstanding fees are paid to the sheriff."~~

AMENDMENT NO. 7

On page 5, delete line 14 in its entirety and insert "(3) In Orleans Parish, the two dollars of  
~~the three dollars~~ collected for each one"

AMENDMENT NO. 8

On page 5, after line 22, add the following:

1 "Section 6. The provisions of this Act shall cease to be effective two years after the  
2 date of the signature of this Act by the governor."