

2021 Regular Session

HOUSE BILL NO. 344

BY REPRESENTATIVE BRYANT

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

CRIMINAL/PROCEDURE: Provides relative to a defendant's ability to pay certain fines, fees, and costs

1 AN ACT

2 To amend and reenact R.S. 32:641(A) and (C) through (E) and to enact Code of Criminal
3 Procedure Articles 202(H) and 211(E), and R.S. 32:641(F) and (G), relative to
4 criminal procedure; to provide relative to a defendant's ability to pay fines, fees,
5 penalties, and costs associated with traffic violations, warrants of arrest, and
6 summons issued in lieu of arrest; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:641(A) and (C) through (E) are hereby amended and reenacted
9 and R.S. 32:641(F) and (G) are hereby enacted to read as follows:

10 §641. Parishwide schedule of fines, penalties and costs; written pleas of guilty;
11 payment; exceptions

12 A. The judges of any ~~judicial district, the parish of Orleans excepted, with~~
13 ~~the consent of the district attorney, may adopt a parishwide~~ district, city, parish, or
14 mayor's court shall adopt a schedule of fines, penalties and costs for violations of the
15 traffic laws and regulations for which the maximum possible penalty is a fine only
16 of the state of Louisiana or any parish or municipality under their jurisdiction, within
17 the limits of such penalties as are set by law, and such schedules shall be applicable
18 as provided hereafter.

19 * * *

20 C. A person who is unable to pay the fine and wants to plead guilty without
21 a court appearance shall sign and mail or hand deliver to the court an affidavit of

1 indigency. The affidavit shall attest that the person is indigent and cannot pay the
2 fine without substantial financial hardship as promulgated by the Louisiana Supreme
3 Court.

4 D. The judge or district attorney may refuse to accept such written plea of
5 guilty or affidavit of indigency in any case and in the event of refusal, the written
6 plea of guilty or affidavit of indigency shall not be admissible in evidence for any
7 reason whatsoever.

8 E. If the judge accepts the written plea of guilty and the affidavit of
9 indigency, the person shall be placed on a twenty-five dollar per month payment
10 plan. A person may elect to pay more than this amount but shall not be required to
11 do so.

12 ~~D.F.~~ This Section does not apply to any person charged with any offense
13 under Title 14 of the Louisiana Revised Statutes of 1950, except reckless operation
14 of a motor vehicle where no accident is involved.

15 ~~E.G.~~ For traffic or misdemeanor offenses, the fines for which are scheduled
16 under the provisions of this Section, clerks of the judicial district courts shall not be
17 required to keep and transcribe minutes for proceedings involving offenders who
18 plead guilty and pay fines before their scheduled trial, thereby waiving their court
19 appearance. This provision may be modified by rule of court.

20 Section 2. Code of Criminal Procedure Articles 202(H) and 211(E) are hereby
21 enacted to read as follows:

22 Art. 202. Warrant of arrest; issuance

23 * * *

24 H.(1) A magistrate may not issue an arrest warrant pursuant to Article 333
25 or any other provision of law for the defendant's failure to appear unless:

26 (a) The magistrate causes to be personally served upon the defendant a
27 notice that includes the following:

28 (i) A date and time, occurring within the thirty-day period following the date
29 that notice is provided, when the defendant shall appear before the justice or judge.

1 E. Any summons issued pursuant to this Article, in addition to any other
 2 requirements contained in this Title or any other provision of law, shall contain
 3 information regarding the alternatives to the full payment of any fine or costs
 4 assessed against the person, if the person is convicted of the offense and is unable to
 5 pay the fine or costs. No person shall be jailed or have their driver's license
 6 suspended for inability to pay the fine, costs, or fees.

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 344 Original

2021 Regular Session

Bryant

Abstract: Provides relative to a defendant's ability to pay fines, fees, and costs associated with traffic violations, warrants of arrest, and summons issued in lieu of arrest.

Present law allows judges to adopt a parishwide schedule of fines, penalties, and costs for traffic violations of this state or any parish under their jurisdiction within the limits of penalties as set by present law.

Proposed law requires the judges to adopt such schedule of fines, penalties, and costs for traffic violations within the limits of penalties as set by present law and proposed law specifies that such schedule is applicable to traffic violations for which the maximum possible penalty is a fine only.

Proposed law provides for an affidavit of indigency and requires the affidavit of indigency to be delivered to the court for anyone who is unable to pay and wants to plead guilty without a court appearance.

Present law provides that the judge or district attorney may refuse to accept such written plea of guilty in any case, and in the event of refusal, the written plea of guilty shall not be admissible in evidence for any reason.

Proposed law retains present law and authorizes the defendant to submit an affidavit of indigency, and authorizes the judge or district attorney to refuse such affidavit.

Proposed law further requires that a person be placed on a \$25 per month payment plan if the judge accepts a written plea of guilty and the affidavit of indigency.

Proposed law provides that a magistrate may not issue an arrest warrant pursuant to present law for the defendant's failure to appear unless the defendant has been served with notice and the defendant fails to appear after receiving such notice as provided by proposed law.

Proposed law requires the notice to provide a date and time of the scheduled appearance as well as the name, address, and phone number of the court with jurisdiction.

Proposed law further requires the notice to include information regarding the consequences of the defendant's failure to appear and inability to pay.

Proposed law requires summons issued to include information regarding alternatives to full payment of any fine or costs assessed if the person convicted of the offense is unable to pay.

Proposed law provides that no person shall be jailed or have their driver's license suspended for inability to pay the fine, costs, or fee.

(Amends R.S. 32:641(A) and (C)-(E); Adds C.Cr.P. Arts. 202(H) and 211(E) and R.S. 32:641(F) and (G))