Regular Session, 2011

HOUSE BILL NO. 111

BY REPRESENTATIVE WOOTON

CORRECTIONS: Allows DPS&C, division of probation and parole, to charge collection fees for overdue supervision fees

AN ACT

To amend and reenact Code of Criminal Procedure Article 895.1(C), relative to fees for supervised probation; to authorize the assessment and collection of a collection fee for overdue supervised probation fees; to provide for the use of the funds collected from the assessment of the fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 895.1(C) is hereby amended and reenacted to read as follows:

Art. 895.1. Probation; restitution; judgment for restitution; fees

* * *

C.(1) When the court places the defendant on supervised probation, it shall order as a condition of probation a monthly fee of not less than fifty nor more than one hundred dollars payable to the Department of Public Safety and Corrections or such other probation office, agency, or officer as designated by the court, to defray the cost of supervision. If the probation supervision services are rendered by an agency other than the department, the fee may be ordered payable to that agency. These fees are only to supplement the level of funds that would ordinarily be available from regular state appropriations or any other source of funding.

(2) If the supervision fees are in default and not paid or received within forty-five days of the due date, the Department of Public Safety and Corrections,

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division of probation and parole, may assess a collection fee of ten percent of the total amount of the fees which are owed. The collection fees shall be retained by the division of probation and parole, and the funds collected from the assessment of the fees shall be used to defray the costs of the operation of the division of probation and parole. Funds collected by the division of probation and parole pursuant to this Subparagraph shall not reduce the amount payable to the division of probation and parole pursuant to any other provision of law or affect the amount of funding allocated by law to the budget of the division of probation and parole.

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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)]

Wooton HB No. 111

Abstract: Authorizes the assessment and collection of a collection fee for overdue supervised probation fees.

Present law authorizes DPS&C to collect a supervision fee from defendants placed on supervised probation to defray the costs of supervision.

Proposed law retains present law and further provides that if the supervision fees are in default and not paid or received within 45 days of the due date, the DPS&C, division of probation and parole, may assess a collection fee of 10% of the total amount of funds due. The collection fees shall be retained by the division of probation and parole used to defray the costs of the operation of the division of probation and parole.

(Amends C.Cr.P. Art. 895.1(C))

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