

Regular Session, 2011

SENATE BILL NO. 158

BY SENATOR MURRAY

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

COURTS. Provides relative to Municipal Court of New Orleans. (8/15/11)

AN ACT

To amend and reenact R.S. 13:2492(F), 2499, 2500.1(C), 2500.2, 2500.3(C) and (D), and 2501, to enact R.S. 13:2495.1 and 2496.4 , and to repeal R.S. 13:2501.1(M), relative to courts and judicial procedure; to provide relative to the Municipal Court of New Orleans; to provide relative to the senior and administrative judge; to provide for a judicial administrator and judicial expense fund; to provide relative to the payment of certain operating expenses and costs; to provide relative to the collection and remitting of certain costs, amounts, sums and funds; to provide certain terms, conditions, procedures and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2492(F), 2499, 2500.1(C), 2500.2, 2500.3(C) and (D) and 2501 are hereby amended and reenacted, and R.S. 13:2495.1 and 2496.4 are hereby enacted, to read as follows:

§2492. Four judges; qualifications; election; salary; vacation

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F. The judge of the Municipal Court of New Orleans having the most seniority shall become the senior and administrative judge during his tenure of office

1 and shall not engage in the practice of law or share in the profits, directly or
2 indirectly, of any law firm or legal corporation. ~~The salary of the senior and~~
3 ~~administrative judge of the Municipal Court of New Orleans shall be the same as~~
4 ~~provided for district court judges in the state, payable monthly on his own warrant,~~
5 ~~of which the amount payable by the state to city judges of the state shall be paid by~~
6 ~~the state and the remainder shall be payable by the city of New Orleans~~ **The senior**
7 **and administrative judge of the Municipal Court of New Orleans shall possess**
8 **the same qualifications that are required of district court judges and shall**
9 **receive a salary of not less than eighteen thousand dollars per annum, but not**
10 **more than the salary paid, from all sources, to the district court judges in and**
11 **for the parish of Orleans. The governing authority of Orleans Parish shall**
12 **determine the salary paid to the senior and administrative judge, of which the**
13 **amount payable by the state to city judges of the state shall be paid by the state**
14 **and the remainder shall be payable by the city of New Orleans. The salary of**
15 **the senior and administrative judge shall be payable monthly on his own**
16 **warrant.** Should the senior judge decline the position of senior and administrative
17 judge then the next senior judge of the municipal court may assume the position.

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19 **§2495.1. Judicial administrator**

20 **A. There shall be one judicial administrator of the Municipal Court of**
21 **New Orleans, who shall be appointed by the judges thereof and shall be subject**
22 **to removal by a majority of the judges of the court, at will. The court shall**
23 **adopt such rules and regulations governing the functions, duties, operations,**
24 **and procedures of the judicial administrator's office as may be necessary. The**
25 **salary and benefits shall be paid by the city of New Orleans on the warrant of**
26 **the chief judge. If the city fails to pay the salary and benefits, they may be paid**
27 **from the judicial expense fund of the court.**

28 **B. The judicial administrator shall retain all of the benefits of their**
29 **office, including but not limited to, hospitalization coverage, retirement benefits,**

insurance benefits, and sick and annual leave benefits, and they shall be paid through the payroll system utilized by the city of New Orleans for its other employees.

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§2496.4. Judicial expense fund for the Municipal Court of New Orleans

A. There is hereby established the judicial expense fund for the Municipal Court of New Orleans, which shall be a special account for use in administration of the court. The judicial administrator shall deposit into the fund any monies specifically designated for such purpose. The judges of the court, en banc, shall have control over and administer the funds which are annually appropriated or otherwise authorized under the law and all disbursements made therefrom. They shall cause to be conducted an annual audit of the fund and the books and accounts relating thereto, and shall file the same with the legislative auditor where it shall be available for public inspection.

B. The judicial expense fund may be used for any operating expense of the court, including salaries for court reporters, bailiffs, minute clerks, and other court personnel and is in addition to any and all other funds, salaries, expenses, or other monies that are provided, authorized, or established by law. No salary shall be paid from the judicial expense fund to any judges of the court.

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§2499. Quarters, furniture and stationery; police detail

The ~~commission council~~ city of New Orleans shall provide suitable rooms, furniture, ~~and stationery, and other operating expenses~~ for the municipal court of New Orleans, and the department of police of the city of New Orleans shall detail, subject to such rules as it may adopt, the necessary number of police officers to the court, to keep order and execute orders and decrees of the judges thereof.

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§2500.1. Additional costs; municipal court probation department; special fund

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C. Costs assessed against defendants pursuant to this Section shall be collected by the clerk of the municipal court of New Orleans. All sums so collected shall be remitted to the ~~director of finance of the city of New Orleans~~ **municipal court judicial administrator** who shall deposit such sums in a bank or banks in the city of New Orleans in which deposits are insured or guaranteed by the federal government or any agency thereof. The deposits shall be credited to a special fund to be designated as the Municipal Court Probation Department Fund which shall be administered by the ~~city of New Orleans~~ **judges of the municipal court**.

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§2500.2. Additional court costs to defray expenses

A.(1) In all cases over which the Municipal Court of New Orleans has jurisdiction, there shall be taxed as costs against every defendant who is convicted after trial or after he pleads guilty or who forfeits his bond a nonrefundable sum of fifteen dollars, which shall be in addition to all other fines, costs, or forfeitures lawfully imposed.

(2) The sums collected under Subsection A(1) of this Section shall be remitted to the ~~director of finance of the city of New Orleans~~ **municipal court judicial administrator**, who shall deposit the sums to the credit of the municipal court judicial expense fund to be used by the court to defray its expenses.

B.(1) In all prosecutions in the Traffic Court of New Orleans, including all traffic violations other than parking, there shall be taxed as costs against every defendant, who is convicted after trial or plea of guilty or nolo contendere or who forfeits his bond, the sum of five dollars, which shall be in addition to all other fines, costs, or forfeitures lawfully imposed and which shall be transmitted to the clerk of the Municipal Court of New Orleans to be used by the court to defray its expenses.

(2) The Municipal Court of New Orleans shall by court rule provide procedures for the timely collection and accounting of the fees imposed by this

Section. All fees collected under this Section shall be remitted to the ~~department of finance for the city of New Orleans~~ **municipal court judicial administrator** for deposit into a special fund designated as the municipal court judicial expense fund.

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§2500.3. Bail bond fee

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C. The fee shall be paid by the defendant when a cash or property bond is posted. When the defendant is released on his own recognizance or is released under the provisions of R.S. 15:574.15, the fee shall be fifteen dollars. When the court finds the defendant is indigent or entitled to have counsel appointed, the court may waive the fee. The fee herein collected shall be refunded to the defendant if he is determined to be not guilty or if the charges are dismissed. **If the defendant fails to collect the bail bond fee collected under this statute for a period of one year following the date of final disposition of the case, the amount of such bond fee shall be remitted to the municipal court judicial expense fund.**

D.(1) The municipal court shall by court rule provide procedures for the timely collection, deposit, and accounting of the fees imposed by this Section. All fees collected by the municipal court shall be remitted to the ~~director of finance of the city for deposit into a special fund designated as the municipal court judicial expense fund to be used by the court to defray its expenses~~ **municipal court judicial administrator for deposit into a special fund designated as the municipal court judicial expense fund to be used by the court to defray its expenses.**

(2) All fees collected by the traffic court shall be remitted to the director of finance of the city for deposit into a special fund designated as the traffic court expense fund to be used by the court to defray its expenses.

§2501. Fines imposed remitted **monthly** to city treasurer

Each judge of the municipal court of New Orleans shall see to it that all fines imposed by him are collected and remitted ~~daily~~ **monthly** to the city treasurer of New Orleans.

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Section 2. R.S. 13:2501.1(M) is hereby repealed in its entirety.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

Present law relative to Municipal Court of New Orleans provides for judges, and provides that the judge having the most seniority shall become the senior and administrative judge during his tenure of office. Provides that his salary shall be the same as provided for district court judges in the state, payable monthly on his own warrant, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans.

Proposed law provides that such senior and administrative judge shall possess the same qualifications that are required of district court judges and shall receive a salary of not less than \$18K per annum, but not more than the salary paid, from all sources, to the district court judges in and for the Parish of Orleans. The governing authority of Orleans Parish shall determine the salary paid to the senior and administrative judge, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans. The salary of the senior and administrative judge shall be payable monthly on his own warrant.

Proposed law creates a judicial administrator for the Municipal Court of New Orleans. Provides that he shall be appointed by the judges and subject to removal by a majority thereof, at will. Provides that the court shall adopt rules and regulations as may be necessary governing the functions and duties of the judicial administrator. Provides that the judicial administrator's salary and benefits shall be paid by the city of New Orleans on the warrant of the chief judge. If the city fails to pay the salary and benefits, they may be paid from the judicial expense fund of the court. Further provides that the judicial administrator shall retain all of the benefits of their office, including but not limited to, hospitalization coverage, retirement benefits, insurance benefits, and sick and annual leave benefits, and they shall be paid through the payroll system utilized by the city of New Orleans for its other employees.

Proposed law creates judicial expense fund for the Municipal Court of New Orleans. Provides that the judicial administrator shall deposit into the fund any monies specifically designated for such purpose. Provides that the judges of the court, en banc, shall have control over and administer the funds which are annually appropriated or otherwise authorized under the law and all disbursements made therefrom. Further provides that the judges shall cause to be conducted an annual audit of the fund and the books and accounts, to be filed with the legislative auditor and available for public inspection.

Proposed law further provides that such judicial expense fund may be used for any operating expense of the court, including salaries for court reporters, bailiffs, minute clerks, and other court personnel and is in addition to any and all other funds, salaries, expenses, or other monies that are provided, authorized, or established by law. No salary shall be paid from the judicial expense fund to any judges of the court.

Present law provides that the commission council shall provide suitable rooms, furniture and stationery for the Municipal Court of New Orleans, and the department of police of the city of New Orleans shall detail, subject to such rules as it may adopt, the necessary number of police officers to the court, to keep order and execute orders and decrees of the judges thereof.

Proposed law provides that the city of New Orleans shall provide suitable rooms, furniture, stationery and other operating expenses for the Municipal Court of New Orleans, and the department of police of the city of New Orleans shall detail, subject to such rules as it may

adopt, the necessary number of police officers to the court, to keep order and execute orders and decrees of the judges thereof.

Present law provides that any defendant, other than an indigent, who pleads guilty or is convicted of an offense by the Municipal Court of the city of New Orleans shall be assessed costs not to exceed the sum of \$15.00, such costs to be in addition to any fine, clerk's fees or costs or any other fee or costs provided by law or sentence imposed by the court. Further provides that such costs assessed against defendants shall be collected by the clerk of the Municipal Court of New Orleans, and remitted to the director of finance of the city of New Orleans, who shall deposit such sums in a bank or banks in the city of New Orleans in which deposits are insured or guaranteed by the federal government or any agency thereof. The deposits shall be credited to a special fund to be designated as the Municipal Court Probation Department Fund which shall be administered by the city of New Orleans.

Proposed law provides that such costs shall be remitted to the municipal court judicial administrator, who shall deposit such sums in a bank or banks in the city of New Orleans in which deposits are insured or guaranteed by the federal government or any agency thereof. The deposits shall be credited to a special fund to be designated as the Municipal Court Probation Department Fund which shall be administered by the judges of the municipal court.

Present law further provides that in all cases over which the Municipal Court of New Orleans has jurisdiction, there shall be taxed as costs against every defendant who is convicted after trial or after he pleads guilty or who forfeits his bond a nonrefundable sum of \$15.00, which shall be in addition to all other fines, costs, or forfeitures lawfully imposed. Provides that such sums collected shall be remitted to the director of finance of the city of New Orleans, who shall deposit the sums to the credit of the municipal court judicial expense fund to be used by the court to defray its expenses. Proposed law provides that such sums shall be remitted to the municipal court judicial administrator, who shall deposit the sums to the credit of the municipal court judicial expense fund to be used by the court to defray its expenses.

Present law further provides that in Traffic Court a \$5.00 additional cost shall be imposed, which shall be transmitted to the clerk of the Municipal Court of New Orleans to be used by the court to defray its expenses. Proposed law provides that such sums shall be remitted to the municipal court judicial administrator for deposit into the municipal court judicial expense fund.

Present law provides for a bail bond fee to be paid by the defendant when a cash or property bond is posted, and for a refund of the fee if the defendant is found not guilty or if the charges are dismissed. Proposed law adds that if such defendant fails to collect the bail bond fee for a period of one year following the date of final disposition of the case, the amount of such bond fee shall be remitted to the municipal court judicial expense fund.

Present law provides that each judge of the municipal court of New Orleans shall see to it that all fines imposed by him are collected and remitted daily to the city treasurer of New Orleans. Proposed law changes daily to monthly.

Present law provides that judges of the Traffic Court may, en banc, may appoint a judicial administrator for the municipal court, determine his powers and duties, and set his salary and benefits. Proposed law repeals present law.

Effective August 15, 2011.

(Amends R.S. 13:2492(F), 2499, 2500.1(C), 2500.2, 2500.3(C) and (D) and 2501; adds R.S. 13:2495.1 and 2496.4; repeals R.S. 13:2501.1(M))