

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 158 By Senator Murray**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

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

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Technical.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Present law provides for the judges and the senior and administrative judge of the Municipal Court of New Orleans. Provides that the salary of the senior and administrative judge shall be the same as that of district court judges. Provides that 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 judges shall possess the same qualifications that are required of district court judges and shall receive a salary of not less than \$18,000 per year, but not more than the salary paid, from all sources, to the district court judges in and for the Parish of Orleans. Requires the governing authority of Orleans Parish to 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.

Proposed law creates the position of 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. Requires the court to adopt rules and regulations as may be necessary for 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 the office, including but not limited to hospitalization coverage, retirement benefits, insurance benefits, and sick and annual leave benefits which shall be paid through the payroll system utilized by the city of New Orleans for its other employees.

Proposed law creates the judicial expense fund for the Municipal Court of New Orleans. Requires the judicial administrator to 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 which shall be in addition to any and all other funds, salaries, expenses, or other monies that are provided, authorized, or established by law. Prohibits the salary of any judge from being paid from the judicial expense fund.

Present law provides that the commission council shall provide suitable rooms, furniture and stationery for the Municipal Court of New Orleans.

Proposed law deletes present law provisions requiring the commission council to provide rooms, furniture, and stationery and requires the city of New Orleans to provide these items and other operating expenses for the Municipal Court of New Orleans.

Present law (R.S. 13:2500.1) 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, and provides that the fund shall be administered by the judges of the municipal court.

Present law (R.S. 13:2500.2) 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 oversee that all fines imposed by him are collected and remitted daily to the city treasurer of New Orleans.

Proposed law changes the remittance requirement from 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))

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