

Regular Session, 2013

SENATE BILL NO. 251

BY SENATORS MORRELL AND PETERSON AND REPRESENTATIVES BROSSETT
AND MORENO

DOMESTIC VIOLENCE. Provides for fee to be added to domestic violence convictions
in certain courts. (2/3 - CA7s2.1) (gov sig)

AN ACT

To enact R.S. 13:2116 and 2166, relative to domestic violence offenses; to provide for a fee
upon conviction of any domestic violence offense in certain courts; to provide
relative to the disbursements of the proceeds of such fee; to require an annual audit
of such funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2116 and 2166 are hereby enacted to read as follows:

§2116. Fee for conviction of a domestic violence offence

**A. Notwithstanding any law to the contrary, in any mayor's court or
magistrate court for any conviction of a domestic violence offense, including but
not limited to domestic abuse battery, domestic abuse aggravated assault, or
violation of a protective order, if a defendant is convicted and placed on
probation, the court shall, as a condition of probation, require the defendant to
pay an additional fee at the time the defendant is placed on probation. If the
sentence of the court is incarceration, the fee shall be collected at the time of
imposition of the sentence. The amount of such fee shall be determined by the
sentencing judge, but shall not be less than one dollar nor more than five**

1 **hundred dollars.**

2 **B. Each mayor's court or magistrate court shall remit all funds collected**
3 **pursuant to this Section to the parish governing authority of each parish to be**
4 **deposited into a special account. All monies in this account shall be used solely**
5 **for the purposes of contracting with any other local nonprofit organization**
6 **which provides shelter for battered women and their children or homeless**
7 **women and their children in such parish. The respective parish governing**
8 **authority shall cause to be conducted annually an audit of the funds and the**
9 **books and accounts relating thereto and make such available for public**
10 **inspection and shall file the same with the office of the legislative auditor.**

11 * * *

12 **§2166. Fee for conviction of a domestic violence offence**

13 **A. Notwithstanding any law to the contrary, in any magistrate section**
14 **for any conviction of a domestic violence offense, including but not limited to**
15 **domestic abuse battery, domestic abuse aggravated assault, or violation of a**
16 **protective order, if a defendant is convicted and placed on probation, the court**
17 **shall, as a condition of probation, require the defendant to pay an additional fee**
18 **at the time the defendant is placed on probation. If the sentence of the court is**
19 **incarceration, the fee shall be collected at the time of imposition of the sentence.**
20 **The amount of such fee shall be determined by the sentencing judge, but shall**
21 **not be less than one dollar nor more than five hundred dollars.**

22 **B. Each magistrate section shall remit all funds collected pursuant to**
23 **this Section to the Orleans Parish governing authority for deposit into a special**
24 **account. All monies in this account shall be used solely for the purposes of**
25 **contracting with any other local nonprofit organization which provides shelter**
26 **for battered women and their children or homeless women and their children**
27 **in such parish. The governing authority shall cause to be conducted annually an**
28 **audit of the funds and the books and accounts relating thereto and make such**
29 **available for public inspection and shall file the same with the office of the**

1 **legislative auditor.**

2 Section 2. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Cathy R. Wells.

DIGEST

Proposed law requires that in any mayor's court or magistrate court, including Orleans, for any conviction of a domestic violence offense, including but not limited to domestic abuse battery, domestic abuse aggravated assault, or violation of a protective order, if a defendant is convicted and placed on probation, the court, as a condition of probation, the defendant to pay an additional fee at the time the defendant is placed on probation.

Proposed law requires that if the sentence of the court is incarceration, the fee is to be collected at the time of imposition of sentence

Proposed law authorizes the judges for the mayor's courts or magistrate courts to determine the amount of the fee, but not be less than one dollar nor more than \$500.

Proposed law requires each mayor's court or magistrate court to remit all funds collected to their respective parish governing authority to be deposited into a special account to be used solely for the purposes of contracting with any local nonprofit organization which provides shelter for battered women and homeless women and their children in such parish.

Proposed law requires the respective parish governing authority to cause to be conducted an annual audit of the funds, and the books and accounts relating thereto and make such available for public inspection and shall file the same with the office of the legislative auditor.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S.13:2116 and 2166)