

2016 Regular Session

SENATE BILL NO. 219

BY SENATOR CLAITOR

BONDS. Provides relative to the distribution of forfeitures of criminal bail bonds. (8/1/16)

AN ACT

To amend and reenact R.S. 15:571.11(A)(1)(a), the introductory paragraph of (A)(2), and the introductory paragraph of (L), relative to bail; to provide relative to the disposition of fines and bail bond forfeitures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:571.11(A)(1)(a), the introductory paragraph of (A)(2), and the introductory paragraph of (L) are hereby amended and reenacted to read as follows:

§571.11. Dispositions of fines and forfeitures

A.(1)(a) All fines and forfeitures, except for forfeitures of criminal bail bonds ~~posted by a commercial security~~ imposed by district courts and district attorneys, conviction fees in criminal cases, and prosecutions for violations of state law or parish ordinances, upon collection by the sheriff or executive officer of the court, shall be paid into the treasury of the parish in which the court is situated and deposited in a special "Criminal Court Fund" account, which, on motion by the district attorney and approval order of the district judge, may be used or paid out in defraying the expenses of the criminal courts of the parish as provided in Ch.C. Articles 419 and 421 and R.S. 16:6, in defraying the expenses of those courts in

1 recording and transcribing of testimony, statements, charges, and other proceedings
2 in the trial of indigent persons charged with the commission of felonies, in defraying
3 their expenses in the preparation of records in appeals in such cases, for all expenses
4 and fees of the petit jury and grand jury, for witness fees, for attendance fees of the
5 sheriff and clerk of court, for costs and expenses of a parish law library, and for other
6 expenses related to the judges of the criminal courts and the office of the district
7 attorney. In the Second Judicial District, the criminal court fund shall be used to
8 defray the expenses of the criminal court system.

9 * * *

10 (2) All fines and forfeitures, except for forfeitures of criminal bail bonds
11 ~~posted by a commercial surety~~ imposed by district courts and collected by the sheriff
12 or executive officer of the court for violations of municipal ordinances shall be
13 disbursed as follows, except in the case of violations of any of the provisions of Title
14 32 of the Louisiana Revised Statutes of 1950, wherein such proceeds shall be
15 distributed in accordance with Subparagraph A(1)(a) of this Section:

16 * * *

17 L. All judgments of bond forfeiture rendered after ~~June 22, 1993~~ August 1,
18 2016, resulting from the posting of a ~~commercial surety~~ bond in a criminal
19 proceeding in the state of Louisiana upon collection by the prosecuting attorney for
20 the jurisdiction in which the bond was posted shall be paid to the prosecuting
21 attorney who shall, as attorney of record in the proceeding, distribute the funds as
22 follows:

23 * * *

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl M. Serrett.

Present law provides that all fines and forfeitures, except for forfeitures of criminal bail bonds posted by a commercial security, that are imposed by district courts and district attorneys, conviction fees in criminal cases, and prosecutions for violations of state law or parish ordinances, once collected by the sheriff or executive officer of the court, are to be

paid into the treasury of the parish in which the court is situated and deposited in a special "Criminal Court Fund" account, which may be used to defray certain court costs and expenses as provided for in present law.

Proposed law deletes the present law exception for forfeitures of criminal bail bonds posted by a commercial security so that these forfeitures are to be distributed in the same manner as any other fine or forfeiture under present law. Proposed law otherwise retains present law.

Present law provides that all fines and forfeitures, except for forfeitures of criminal bail bonds posted by a commercial surety, imposed by district courts and collected by the sheriff or executive officer of the court for violations of municipal ordinances are to be disbursed in the manner provided for by present law.

Proposed law deletes the present law exception for forfeitures of criminal bail bonds posted by a commercial surety so that these forfeitures are to be distributed in the same manner as any other fine or forfeiture under present law. Proposed law otherwise retains present law.

Present law provides that all judgments of bond forfeiture rendered after 6/22/93 resulting from the posting of a commercial surety bond in a criminal proceeding in the state of Louisiana, upon collection by the prosecuting attorney for the jurisdiction in which the bond was posted, are to be paid to the prosecuting attorney who will distribute the funds as provided for by present law.

Proposed law deletes the present law exception for judgments of forfeitures of criminal bail bonds posted by a commercial surety so that forfeitures rendered after 8/1/16 are to be distributed in the same manner as any other fine or forfeiture under present law. Proposed law otherwise retains present law.

Effective August 1, 2016.

(Amends R.S. 15:571.11(A)(1)(a), (A)(2)(intro para), and (L)(intro para))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Technical amendment to provide for the date in the statute for the proposed law.