

Regular Session, 2010

HOUSE BILL NO. 550

BY REPRESENTATIVE LAMBERT

COURTS/PARISH: Provides for disposition of unclaimed bail bonds in a parish or incorporated municipality located in a parish having a parish court

1 AN ACT

2 To enact R.S. 15:86.4, relative to unclaimed bail bonds in a parish or incorporated
3 municipality located within a parish having a parish court; to provide for time
4 limitations relative to unclaimed bail bonds; to provide for disbursement of the funds
5 and deposit of the funds by the parish or incorporated municipality; to provide for
6 procedures for reimbursement to an owner of the cash bail bond who reappears; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:86.4 is hereby enacted to read as follows:

10 §86.4. Parish courts: unclaimed bail bonds; disposition; return to owner

11 A. Notwithstanding any other provision of law to the contrary, any parish or
12 incorporated municipality, located in a parish which has a parish court, having in its
13 control or possession cash bail bonds which have been discharged and which remain
14 unclaimed for more than three years, after notice by certified mail, or which belong
15 to an owner who is unknown or has not been heard from for more than three years,
16 may pay the same, in cases involving the violation of a state statute in an
17 unincorporated area of the parish, to the treasurer of the governing authority of the
18 parish in which the parish court is located for deposit in the general fund of the
19 parish, or in cases involving a violation of a state statute in an incorporated

1 municipality, to the treasurer or chief financial officer of the city for deposit in the
2 general fund of the city.

3 B. If the cash bail bond involves the violation of a state statute in an
4 unincorporated area of the parish, the treasurer of the governing authority of the
5 parish in which the parish court is located may collect and receive this money and
6 may deposit it to the credit of the parish's general fund. If the cash bail bond
7 involves the violation of a state statute in an incorporated municipality within the
8 parish, the treasurer or chief financial officer of the city may collect and receive this
9 money and may deposit it to the credit of the general fund of the city.

10 C. Any owner who claims a cash bail bond which has been deposited in
11 either a general fund of the parish or the general fund of a city pursuant to the
12 provisions of this Section shall be reimbursed from the general fund of the parish or
13 the city involved, upon establishing his claim thereto by a judgment of a court of
14 competent jurisdiction. Upon being presented with a certified copy of the judgment,
15 either the treasurer or chief financial officer, as the case may be, shall draw a warrant
16 and pay out of the appropriate general fund the amount of the judgment without the
17 necessity of an appropriation by the respective governing authority.

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)]

Lambert

HB No. 550

Abstract: Authorizes a parish or incorporated municipality located in a parish having a parish court, which has control over cash bail bonds, after elapse of time and notice, to deposit these funds in the general fund of the parish or unincorporated municipality and provides for reimbursement procedures should the owner of the funds appear.

Proposed law authorizes any parish or incorporated municipality, located in a parish which has a parish court, having in its control or possession of certain unclaimed cash bail bonds to pay the same, in cases involving the violation of a state statute in an unincorporated area of the parish, to the treasurer of the governing authority of the parish for deposit in the general fund of the parish, or in cases involving a violation of a state statute in an incorporated municipality, to the treasurer or chief financial officer of the city for deposit in the general fund of the city.

Proposed law authorizes the treasurer of the governing authority of the parish, if the cash bail bond involves the violation of a state statute in an unincorporated area of the parish, to collect and receive this money and to deposit the money to the credit of the parish's general fund.

Proposed law authorizes the treasurer or chief financial officer of the city, if the cash bail bond involves the violation of a state statute in an incorporated municipality within the parish, to deposit the money to the credit of the general fund of the city.

Proposed law requires that an owner who claims a cash bail bond which has been deposited in either a general fund of the parish or city be reimbursed from the general fund of the parish or the city involved, upon establishment of a claim by a judgment of a court of competent jurisdiction.

Proposed law requires the treasurer or chief financial officer, upon being presented with a certified copy of the judgment, to draw a warrant and pay out of the appropriate general fund the amount of the judgment without the necessity of an appropriation by the respective governing authority.

(Adds R.S. 15:86.4)