

2016 Regular Session

HOUSE BILL NO. 627

BY REPRESENTATIVE JACKSON

COURTS/MAYORS: Provides relative to court costs in Mayor's Courts

1 AN ACT

2 To amend and reenact R.S. 33:441(A)(2) and (3) and Section 2 of Act No. 13 of the 2013
3 Regular Session of the Legislature and to enact R.S. 33:441(A)(4), relative to court
4 costs assessed by mayor's courts; to authorize an additional court cost to be assessed;
5 to provide that a portion of such costs shall support the local public defender's office;
6 to provide for effectiveness; to extend the effectiveness of court costs authorized to
7 be imposed in certain mayor's courts; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:441(A)(2) and (3) are hereby amended and reenacted and R.S.
10 33:441(A)(4) is hereby enacted to read as follows:

11 §441. Mayor's court

12 A.

13 * * *

14 (2) Notwithstanding any other provision of law to the contrary, the mayor
15 may impose additional court costs not to exceed twenty dollars for each offense, as
16 defined by ordinance or traffic violation, on any defendant convicted of a violation
17 of a municipal ordinance, provided that ten dollars of such additional court costs
18 collected shall be remitted to the local public defender's office.

1 ~~(2)~~(3) The mayor may suspend the execution in whole or in part of a fine or
2 imprisonment, or both, imposed for violation of a municipal ordinance and place the
3 defendant on unsupervised or supervised probation with such conditions as the
4 mayor may fix and, at any time during the probation, modify, add, or discharge. The
5 probation shall be for a period as the mayor shall specify up to one year. The mayor
6 may terminate or revoke the probation at any time. At the termination of the
7 probation, the mayor may set the conviction aside and dismiss the prosecution.

8 ~~(3)~~(4) Notwithstanding any other provision of law to the contrary, when a
9 defendant has been convicted of violation of a municipal ordinance, the mayor may
10 suspend the imposition or the execution of the whole or any part of the sentence and
11 place the defendant on unsupervised probation upon such conditions as the mayor
12 may fix. Such suspension of sentence and probation shall be for a period of six
13 months or such shorter period as the mayor may specify. But in no case shall the
14 probationary period imposed exceed the maximum penalty of imprisonment that may
15 be imposed for violation of a particular ordinance.

16 * * *

17 Section 2. Section 2 of Act No. 13 of the 2013 Regular Session of the Legislature
18 is hereby amended to read as follows:

19 Section 2. R.S. 33:447.11 as enacted by this Act shall be null and void on
20 and after August 1, 2020 ~~2016~~.

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

 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)]

HB 627 Reengrossed

2016 Regular Session

Jackson

Abstract: Authorizes mayors to impose additional court costs not to exceed \$20 for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance, provided that \$10 of such court costs collected shall be remitted to the local public defender's office.

Proposed law provides that mayors may impose additional court costs not to exceed \$20 for each offense, as defined by ordinance or traffic violation, on any defendant convicted of a violation of a municipal ordinance.

Proposed law requires that \$10 of such additional court costs collected shall be remitted to the local public defenders office.

Present law (R.S. 33:447.11) provides for the collection of additional court cost fees for mayor's courts in DeQuincy, Iowa, Vinton and Westlake to be deposited in the 14th JDC's Indigent Defenders Fund. Provides for a termination date of Aug. 1, 2016.

Proposed law extends this present law termination date to on or after Aug. 1, 2020.

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

(Amends R.S. 33:441(A)(2) and (3) and §2 of Act No. 13 of the 2013 R.S.; Adds R.S. 33:441(A)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Authorizes, instead of requiring, mayor's courts to impose additional court costs not to exceed \$20 for each defense defined by ordinance or traffic violation for a municipal ordinance violation conviction.
2. Extends the effectiveness of a present law provision regarding the collection of additional court costs for mayor's courts in certain municipalities (R.S. 33:447.11) from Aug. 1, 2016, to Aug. 1, 2020.
3. Adds an emergency effective date.

The House Floor Amendments to the engrossed bill:

1. Technical amendments only.