

2016 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 133

BY REPRESENTATIVE JACKSON

A CONCURRENT RESOLUTION

To urge and request the Judicial Council and its Standing Committee to Evaluate Requests for Court Costs and Fees to study and make recommendations to the Louisiana Legislature regarding the use of court costs and fees, to develop and recommend best practices for the use and collection of court costs and fees, and to limit the number of instruments creating new or increasing court costs of fees by the Louisiana Legislature which are subject to Judicial Council review until sixty days after the adjournment of the 2017 Regular Session of the Legislature.

WHEREAS, the Judicial Council of the Supreme Court (Judicial Council) was established in 1950, and through its standing and ad hoc committees, serves as the research arm for the supreme court; and

WHEREAS, the Judicial Council is chaired by the chief justice of the Louisiana Supreme Court, and its membership consists of representatives from the Louisiana State Law Institute, the legislature, the Louisiana District Attorneys Association, the Louisiana Clerks of Court Association, and the citizens of Louisiana; and

WHEREAS, the authority of the Judicial Council to review court costs and fees is provided for in R.S. 13:62, which was enacted during the 2003 Regular Legislative Session and amended by Act No. 245 of the 2011 Regular Legislative Session; and

WHEREAS, pursuant to R.S. 13:62, no law to provide for a new court cost or to increase an existing court cost or fee shall be enacted unless first submitted to the Judicial Council for review and recommendation to the legislature as to whether the court cost or fee is reasonably related to the operation of the courts or court system; and

WHEREAS, the Judicial Council has determined that a court cost or fee is reasonably related to the operation of the court or court system when the revenue generated from the

proposed cost or fee will support a court or court system, help defray the court-related operational costs of other agencies, or support an activity where there is a reasonable relationship between the fee or court cost imposed and the costs of the administration of justice; and

WHEREAS, the Louisiana Legislative Auditor issued a report on April 2, 2014, regarding the collection of court costs and fees, finding that Louisiana does not have an effective process for collecting court costs and fines in judicial districts; and

WHEREAS, the Louisiana Legislative Auditor recommended providing education and guidance to the judicial districts on the collection of court costs and fees and the disbursement of partially paid costs and fines; and

WHEREAS, the Louisiana Legislative Auditor provided the following initial suggestions to the Judicial Council's Standing Committee to Evaluate Requests for Court Costs and Fees (Court Cost Committee) to improve the court cost system:

- (1) Gain a thorough understanding of the court cost assessment process.
- (2) Develop best practices and a central oversight agency to assist courts in tracking assessed costs and fees and improving collections.
- (3) Examine the entire court cost system to determine if the issue is the amount of the costs, the collections system, or both.
- (4) Inform policymakers of system changes needed; and

WHEREAS, as part of its assessment of its role and value to the court cost process, the Court Cost Committee gathered information on court costs and fees currently collected by all Louisiana courts; and

WHEREAS, the Court Cost Committee met with groups who have an interest in the judicial system, including district attorneys, indigent defense attorneys, sheriffs, city court clerks, parish clerks of court, city court judges, parole and probation officers, the Louisiana Association of Business and Industry, and the Office of Debt Recovery; and

WHEREAS, the Court Cost Committee requested information on civil and criminal court costs and fees currently charged in every state court; and

WHEREAS, the Court Cost Committee reviewed only costs and fees as defined in R.S. 13:62(A), assessed by the Supreme Court, courts of appeal, and district, family,

juvenile, city, parish, municipal, and traffic courts falling under the authority of the Judicial Council; and

WHEREAS, the Court Cost Committee submitted its Interim Report to the Judicial Council on March 7, 2016; and

WHEREAS, the Interim Report detailed the actions taken by the Court Cost Committee regarding the study of court costs and fees from February 14, 2014, to December 31, 2015; and

WHEREAS, the Court Cost Committee has recommended that the Louisiana Legislature limit the number of instruments introducing new court costs and fees until the Court Cost Committee completes its study of the court cost system and evaluates its initial changes to simplify and improve the court cost system as a whole.

THEREFORE, BE IT RESOLVED that the Judicial Council and its Court Cost Committee, in cooperation with the legislature, is hereby urged to continue its study of the use and collection of court costs and fees related to the operational needs of the judicial system, develop and recommend best practices for the use and collection of court costs and fees, and to make recommendations to the legislature regarding changes in the law which are necessary to implement best practices.

BE IT FURTHER RESOLVED that the Louisiana Legislature does respectfully request that the Court Cost Committee along with the National Center for State Courts implement the following recommendations to increase efficiency and ensure fairness in the current court cost system:

- (1) Creation of a database listing all required and optional fines and fees that may be charged.
- (2) Establishment of an effective system for tracking assessed and collected fines, fees, and costs, searchable by individual and date of payment.
- (3) Development of Louisiana-specific statewide best practices and supporting courts as they implement those best practices.
- (4) Publication of statewide guidelines on collecting and distributing partial payments for court costs and fees.
- (5) Determination of the point at which increased fees no longer generate increased income, in light of the person's ability to pay and other factors.

BE IT FURTHER RESOLVED that the Louisiana Legislature shall limit the adoption of any new or increased court cost or fee as defined by, and subject to the provisions of, R.S. 13:62 until sixty days after the adjournment of the 2017 Regular Session of the Legislature, except when presented with exceptional or emergency circumstances.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE