

SENATE BILL NO. 158

BY SENATOR MURRAY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 13:2492(F), 2499, 2500.1(C), 2500.2, 2500.3(C) and (D), and 2501, to enact R.S. 13:2495.1 and 2496.4, and to repeal R.S. 13:2501.1(M), relative to courts and judicial procedure; to provide relative to the Municipal Court of New Orleans; to provide relative to the senior and administrative judge; to provide for a judicial administrator and judicial expense fund; to provide relative to the payment of certain operating expenses and costs; to provide relative to the collection and remitting of certain costs, amounts, sums and funds; to provide certain terms, conditions, procedures and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2492(F), 2499, 2500.1(C), 2500.2, 2500.3(C) and (D) and 2501 are hereby amended and reenacted, and R.S. 13:2495.1 and 2496.4 are hereby enacted, to read as follows:

§2492. Four judges; qualifications; election; salary; vacation

* * *

F. The judge of the Municipal Court of New Orleans having the most seniority shall become the senior and administrative judge during his tenure of office and shall not engage in the practice of law or share in the profits, directly or indirectly, of any law firm or legal corporation. ~~The salary of the senior and administrative judge of the Municipal Court of New Orleans shall be the same as provided for district court judges in the state, payable monthly on his own warrant, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans~~ The senior

1 and administrative judge of the Municipal Court of New Orleans shall possess
 2 the same qualifications that are required of district court judges and shall
 3 receive a salary of not less than eighteen thousand dollars per annum, but not
 4 more than the salary paid, from all sources, to the district court judges in and
 5 for the parish of Orleans. The governing authority of Orleans Parish shall
 6 determine the salary paid to the senior and administrative judge, of which the
 7 amount payable by the state to city judges of the state shall be paid by the state
 8 and the remainder shall be payable by the city of New Orleans. The salary of
 9 the senior and administrative judge shall be payable monthly on his own
 10 warrant. Should the senior judge decline the position of senior and administrative
 11 judge then the next senior judge of the municipal court may assume the position.

12 * * *

13 §2495.1. Judicial administrator

14 A. There shall be one judicial administrator of the Municipal Court of
 15 New Orleans, who shall be appointed by the judges thereof and shall be subject
 16 to removal by a majority of the judges of the court at will. The court shall adopt
 17 such rules and regulations governing the functions, duties, operations, and
 18 procedures of the judicial administrator's office as may be necessary. The salary
 19 and benefits shall be paid by the city of New Orleans on the warrant of the chief
 20 judge. If the city fails to pay the salary and benefits, they may be paid from the
 21 judicial expense fund of the court.

22 B. The judicial administrator shall retain all of the benefits of the office,
 23 including but not limited to hospitalization coverage, retirement benefits,
 24 insurance benefits, and sick and annual leave benefits, which shall be paid
 25 through the payroll system utilized by the city of New Orleans for its other
 26 employees.

27 * * *

28 §2496.4. Judicial expense fund for the Municipal Court of New Orleans

29 A. There is hereby established the judicial expense fund for the
 30 Municipal Court of New Orleans, which shall be a special account for use in

1 administration of the court. The judicial administrator shall deposit into the
 2 fund any monies specifically designated for such purpose. The judges of the
 3 court, en banc, shall have control over and administer the funds which are
 4 annually appropriated or otherwise authorized under the law and all
 5 disbursements made therefrom. The judges shall cause to be conducted an
 6 annual audit of the fund and the books and accounts relating thereto, and shall
 7 file the audit with the legislative auditor where it shall be available for public
 8 inspection.

9 B. The judicial expense fund may be used for any operating expense of
 10 the court, including salaries for court reporters, bailiffs, minute clerks, and
 11 other court personnel, in addition to any and all other funds, salaries, expenses,
 12 or other monies that are provided, authorized, or established by law. No salary
 13 shall be paid from the judicial expense fund to any judges of the court.

14 * * *

15 §2499. Quarters, furniture and stationery; police detail

16 The ~~commission council~~ city of New Orleans shall provide suitable rooms,
 17 furniture, ~~and stationery,~~ and other operating expenses for the municipal court of
 18 New Orleans, and the department of police of the city of New Orleans shall detail,
 19 subject to such rules as it may adopt, the necessary number of police officers to the
 20 court, to keep order and execute orders and decrees of the judges thereof.

21 * * *

22 §2500.1. Additional costs; municipal court probation department; special fund

23 * * *

24 C. Costs assessed against defendants pursuant to this Section shall be
 25 collected by the clerk of the municipal court of New Orleans. All sums so collected
 26 shall be remitted to the ~~director of finance of the city of New Orleans~~ municipal
 27 court judicial administrator who shall deposit such sums in a bank or banks in the
 28 city of New Orleans in which deposits are insured or guaranteed by the federal
 29 government or any agency thereof. The deposits shall be credited to a special fund
 30 to be designated as the Municipal Court Probation Department Fund which shall be

1 administered by the ~~city of New Orleans~~ **judges of the municipal court.**

2 * * *

3 §2500.2. Additional court costs to defray expenses

4 A.(1) In all cases over which the Municipal Court of New Orleans has
5 jurisdiction, there shall be taxed as costs against every defendant who is convicted
6 after trial or after he pleads guilty or who forfeits his bond a nonrefundable sum of
7 fifteen dollars, which shall be in addition to all other fines, costs, or forfeitures
8 lawfully imposed.

9 (2) The sums collected under Subsection ~~A(A)~~(1) of this Section shall be
10 remitted to the ~~director of finance of the city of New Orleans~~ **municipal court**
11 **judicial administrator**, who shall deposit the sums to the credit of the municipal
12 court judicial expense fund to be used by the court to defray its expenses.

13 B.(1) In all prosecutions in the Traffic Court of New Orleans, including all
14 traffic violations other than parking, there shall be taxed as costs against every
15 defendant, who is convicted after trial or plea of guilty or nolo contendere or who
16 forfeits his bond, the sum of five dollars, which shall be in addition to all other fines,
17 costs, or forfeitures lawfully imposed and which shall be transmitted to the clerk of
18 the Municipal Court of New Orleans to be used by the court to defray its expenses.

19 (2) The Municipal Court of New Orleans shall by court rule provide
20 procedures for the timely collection and accounting of the fees imposed by this
21 Section. All fees collected under this Section shall be remitted to the ~~department of~~
22 ~~finance for the city of New Orleans~~ **municipal court judicial administrator** for
23 deposit into a special fund designated as the municipal court judicial expense fund.

24 * * *

25 §2500.3. Bail bond fee

26 * * *

27 C. The fee shall be paid by the defendant when a cash or property bond is
28 posted. When the defendant is released on his own recognizance or is released under
29 the provisions of R.S. 15:574.15, the fee shall be fifteen dollars. When the court
30 finds the defendant is indigent or entitled to have counsel appointed, the court may

1 waive the fee. The fee herein collected shall be refunded to the defendant if he is
 2 determined to be not guilty or if the charges are dismissed. **If the defendant fails**
 3 **to collect the bail bond fee collected pursuant to this statute for a period of one**
 4 **year following the date of final disposition of the case, the amount of such bond**
 5 **fee shall be remitted to the municipal court judicial expense fund.**

6 D.(1) The municipal court shall by court rule provide procedures for the
 7 timely collection, deposit, and accounting of the fees imposed by this Section. All
 8 fees collected by the municipal court shall be remitted to the ~~director of finance of~~
 9 ~~the city for deposit into a special fund designated as the municipal court judicial~~
 10 ~~expense fund to be used by the court to defray its expenses~~ **municipal court judicial**
 11 **administrator for deposit into a special fund designated as the municipal court**
 12 **judicial expense fund to be used by the court to defray its expenses.**

13 (2) All fees collected by the traffic court shall be remitted to the director of
 14 finance of the city for deposit into a special fund designated as the traffic court
 15 expense fund to be used by the court to defray its expenses.

16 §2501. Fines imposed remitted **monthly** to city treasurer

17 Each judge of the municipal court of New Orleans shall see to it that all fines
 18 imposed by him are collected and remitted ~~daily~~ **monthly** to the city treasurer of
 19 New Orleans.

20 Section 2. R.S. 13:2501.1(M) is hereby repealed in its entirety.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____