

SENATE BILL NO. 17

BY SENATOR MARTINY

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AN ACT

To amend and reenact R.S. 13:847(F)(1)(introductory paragraph), 961(F)(1)(e) and (f), 964.2, 996.22.1, 996.35, 996.36.1, 1000.1(A), 1384, 1568.3, 1908(A), 2080.1(B) and (C), 2103.2(A), 2496.2(A), 2575(C)(2), 2576(A)(introductory paragraph), 2583.1(A), 2590.1(A)(1), (B)(introductory paragraph), and (E), and 4818, relative to provisions of Title 13 (Courts and Judicial Procedure) of the Louisiana Revised Statutes of 1950, which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to adjust population categories to retain applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:847(F)(1)(introductory paragraph), 961(F)(1)(e) and (f), 964.2, 996.22.1, 996.35, 996.36.1, 1000.1(A), 1384, 1568.3, 1908(A), 2080.1(B) and (C), 2103.2(A), 2496.2(A), 2575(C)(2), 2576(A)(introductory paragraph), 2583.1(A), 2590.1(A)(1), (B)(introductory paragraph), and (E), and 4818 are hereby amended and reenacted to read as follows:

§847. Fees in criminal cases; exceptions

* * *

F.(1) Notwithstanding Subsection A of this Section and in addition to other fees fixed by law, the clerk of a district court in ~~a parish with a population of between forty-two thousand eight hundred and forty-three thousand five hundred according to the latest federal decennial census~~ **St. John the Baptist Parish** shall be entitled to demand and receive:

* * *

§961. Court reporters, generally

* * *

F.(1)

* * *

(e) In all ~~tri-parish district courts with a population between forty thousand and one hundred thousand persons~~ **the Second, Fifth, and Eighteenth Judicial Districts**, in all cases, except those to be filed in forma pauperis, a fee determined by a majority of the judges for each page and each copied page of all testimony reported and transcribed shall be charged by and paid to the court reporter.

(f) In all ~~tri-parish district courts with a population between seventy-five thousand and one hundred fifty thousand persons~~ **the Twenty-Third Judicial District**, in all cases, except those to be filed in forma pauperis, a fee determined by a majority of the judges for each page not to exceed two dollars and fifty cents for each thirty-one line page and each copied page of all testimony reported and transcribed shall be charged by and paid to the court reporter.

* * *

§964.2. Reporter's fees; ~~certain parish~~ **Calcasieu Parish**

A. Notwithstanding the provisions of R.S. 13:964(H) to the contrary, in ~~any parish having a population of between one hundred eighty thousand and one hundred eighty-seven thousand people according to the most recent U.S. Decennial Census~~ **Calcasieu Parish**, in all cases which are reported and transcribed for appeal, a fee of two dollars and fifty cents per page for originals, and fifty cents per page for each copy, shall be charged by and paid to the reporter. In those cases which are reported but not transcribed, one-half of the fees provided herein for originals shall be charged by and paid to the reporter. Such fees shall be retained by the reporter as compensation, in addition to the salary provided for in R.S. 13:964(G), and shall be taxed as costs of the suit in which the testimony is taken.

B. Notwithstanding the provisions of R.S. 13:964.1(B) to the contrary, court reporters in a ~~parish having a population of between one hundred eighty thousand and one hundred eighty-seven thousand people according to the most recent U.S. Decennial Census~~ **Calcasieu Parish** shall be paid two dollars and fifty cents per thirty-one-line page for such work, and ~~fifty cents~~ **fifty cents** per page for each copy, as funds become available, all such payments to be made from the criminal indigent

1 transcript fund by the court administrator.

2 * * *

3 §996.22.1. Judicial expense funds; ~~judicial districts in certain parishes with~~
4 ~~populations between thirty-nine thousand and forty thousand five~~
5 ~~hundred;~~ **fund for the Tenth Judicial District;** additional costs in
6 criminal cases

7 The provisions of this Section shall apply to any judicial district court whose
8 boundaries are coterminous with any parish having a population between thirty-nine
9 thousand and forty thousand five hundred according to the most recent federal
10 decennial census and which has a statutorily created judicial expense fund. The
11 judges of the ~~district~~ **Tenth Judicial District,** sitting en banc, are authorized to
12 increase the maximum amount of costs that may be imposed in all criminal cases
13 over which the district court has jurisdiction against every defendant who is
14 convicted after trial or after plea of guilty or who forfeits his bond, in an amount
15 which shall not exceed ten dollars and which shall be in addition to all other fines,
16 costs, or forfeitures lawfully imposed. All sums so taxed and collected shall be
17 transmitted by the sheriff to the clerk of court as provided by law governing the
18 judicial expense fund.

19 * * *

20 §996.35. Additional sheriffs' fees; ~~in certain parishes with populations between~~
21 ~~sixty-seven thousand five hundred and sixty-nine thousand and~~
22 ~~between seventy-five thousand and eighty-four thousand~~ **parishes of**
23 **Iberia and St. Landry**

24 In addition to all other fees or costs now or hereafter provided by law, the
25 sheriffs in parishes having a population between sixty-seven thousand five hundred
26 and sixty-nine thousand and between seventy-five thousand and eighty-four thousand
27 according to the most recent federal decennial census **the parishes of Iberia and St.**
28 **Landry** shall be entitled to an additional fee of ten dollars in all criminal cases
29 brought in district court against every defendant who is convicted after trial or after
30 a plea of guilty or nolo contendere or who has forfeited his bond. This fee shall be

1 remitted to the sheriff of the parish to be used to defray the expenses of his office.
2 The sheriff may use all methods available under the law to enforce and collect the
3 fees.

4 * * *

5 §996.36.1. Additional fees or costs

6 A. In addition to all other fees or costs provided for in R.S. 13:996.36(A),
7 the clerk of ~~court of a judicial district court which is located in a judicial district~~
8 ~~comprised of three parishes having a population between fifty-five thousand four~~
9 ~~hundred and eighty-five thousand four hundred according to the most recent federal~~
10 ~~decennial census~~ **the Eighteenth Judicial District Court** shall collect from every
11 person filing any type of civil suit or proceeding and who is not otherwise exempted
12 by law from the payment of court costs, an additional sum to be determined by a
13 majority of the judges of said district, sitting en banc, which sum shall not exceed ten
14 dollars, subject, however, to the provisions of Louisiana Code of Civil Procedure
15 Article 5181 et seq.

16 B. In addition to all other fees or costs provided for in R.S. 13:996.36(A), in
17 all criminal cases over which ~~a district court located in a judicial district which is~~
18 ~~comprised of three parishes having a population between fifty-five thousand four~~
19 ~~hundred and eighty-five thousand four hundred according to the most recent federal~~
20 ~~decennial census~~ **the Eighteenth Judicial District Court** has jurisdiction, **it** shall
21 tax as costs against every defendant who is convicted after trial or who pleads guilty
22 or who forfeits his bond, a sum likewise determined but which shall not exceed ten
23 dollars, which shall be in addition to all other fines, costs, or forfeitures lawfully
24 imposed and which shall be transmitted each month to the court by the sheriff for
25 further disposition in accordance herewith.

26 * * *

27 §1000.1. Criminal matters; additional costs for CASA programs

28 A. In ~~parishes having a population of between one hundred twenty-five~~
29 ~~thousand and one hundred thirty-five thousand according to the latest federal census~~
30 **Rapides Parish**, in all criminal cases, including traffic offenses, of which the district

1 court has jurisdiction, there shall be assessed as additional costs against every
2 defendant who is convicted after trial or who pleads guilty or forfeits bond the sum
3 of five dollars, which shall be in addition to all other fines, costs, or forfeitures
4 lawfully imposed and which shall be transmitted to the clerk for further disposition
5 in accordance herewith.

6 * * *

7 §1384. Criminal district courts; office or positions and functions

8 Each criminal district court in a ~~parish having a population of four hundred~~
9 ~~sixty-five thousand or more according to the most recent federal decennial census~~
10 **the parish of Orleans** shall have a position or office of judicial administrator,
11 deputy judicial administrator, and assistants, at least thirteen law clerks, and at least
12 four secretaries and shall provide for the conduct of the jury commission and sanity
13 hearings, the cost of all of which shall be appropriated in the appropriation bill which
14 provides for judicial expenses and shall be allocated by the Judicial Budgetary
15 Control Council to such court.

16 * * *

17 §1568.3. Special divisions of court

18 A. In accordance with the jurisdiction provided for in the Children's Code,
19 in a juvenile court located in ~~any parish with a population of greater than four~~
20 ~~hundred sixty-five thousand according to the most recent federal decennial census~~
21 **Orleans Parish**, there shall be special divisions of court with exclusive jurisdiction
22 over child in need of care proceedings, as specifically provided for in Titles VI, X,
23 XI, and XII of the Louisiana Children's Code and generally provided for in other
24 titles or articles of the code, which shall consist of Section "A" and Section "D" of
25 the court.

26 B. In accordance with the jurisdiction provided for in the Children's Code,
27 the juvenile court located in ~~any parish with a population of greater than four~~
28 ~~hundred sixty-five thousand according to the most recent federal decennial census~~
29 **Orleans Parish**, there shall be special divisions of court with exclusive jurisdiction
30 over delinquency proceedings, as specifically provided for in Title VIII of the

1 Louisiana Children's Code and generally provided for in other titles or articles of the
2 code, which shall consist of Section "B", Section "C", Section "E", and Section "F".

3 * * *

4 §1908. **Rapides Parish;** ~~Criminal~~ **criminal** matters; additional costs for CASA
5 programs

6 A. In ~~parishes having a population of between one hundred twenty-five~~
7 ~~thousand and one hundred thirty-five thousand according to the latest federal census~~
8 **Rapides Parish**, in all criminal cases, including traffic offenses, of which the city
9 court has jurisdiction, there shall be assessed as additional costs against every
10 defendant who is convicted after trial or who pleads guilty or forfeits bond the sum
11 of five dollars, which shall be in addition to all other fines, costs, or forfeitures
12 lawfully imposed and which shall be transmitted to the clerk for further disposition
13 in accordance herewith.

14 * * *

15 §2080.1. Miscellaneous city courts; fees; surplus in civil fee account

16 * * *

17 B. ~~The marshal of a city court located in a municipality having a population~~
18 ~~of not more than twenty-five thousand and not less than nineteen thousand,~~
19 ~~according to the most recent United States census data~~ **Each of the marshals of the**
20 **City Court of Opelousas, the City Court of Ruston, the City Court of Slidell,**
21 **and the City Court of Sulphur,** may collect a fee of ten dollars for the taking of an
22 appearance bond when required to do so. The city court in such municipality may
23 also impose an additional five-dollar fee as court costs in civil and criminal matters.
24 The sums collected for the taking of an appearance bond, and any additional court
25 costs as provided in this Subsection, shall be deposited in such marshal's general
26 fund to supplement the operational expenses of the marshal's office and the
27 expenditure of such funds shall be subject to and included in the marshal's annual
28 audit. A copy of the audit shall be filed with the legislative auditor who shall make
29 it available for public inspection.

30 C. When a surplus of filing fees and costs or unclaimed fees and costs has

1 accumulated in the civil fee account of ~~any city court in a city having a population~~
 2 ~~of not less than seven thousand and not more than seven thousand two hundred,~~
 3 ~~according to the latest decennial census~~ **the City Court of Plaquemine**, and the
 4 surplus or unclaimed fees and costs have remained unclaimed for a period of five
 5 years or more, the judge of the court may transfer the amount of the surplus or the
 6 amount of the unclaimed fees and costs that remain unclaimed to the operating fund
 7 known as the judicial expense account of the court, after notice to the depositors by
 8 publication in the legal journal of the parish or by other reasonable means to the
 9 operating fund known as the judicial expense account of the court. The provisions
 10 of this Subsection shall not affect any claim or right granted to a claimant by the
 11 provisions of the Uniform Unclaimed Property Act, R.S. 9:151 et seq. After transfer
 12 of the surplus funds from the civil fee account to the judicial expense account of the
 13 court, the city court shall remain liable for the full amount of any viable claim for
 14 unclaimed property in accordance with any other provision of law.

* * *

16 §2103.2. **City of Ruston, city of Sulphur**; ~~Additional~~ **additional** fee for
 17 appearance bond

18 A. The marshal of ~~any city with a population between twenty thousand and~~
 19 ~~twenty-one thousand according to the most recent federal decennial census~~ **the city**
 20 **of Ruston and the marshal of the city of Sulphur** shall collect an additional fee of
 21 two dollars for taking an appearance bond. Any party, personal or professional, or
 22 agent thereof, signing as surety on any appearance bond for the city court, shall pay
 23 the amount of twelve dollars to the city marshal's office. Any party, personal or
 24 professional, or agent thereof, signing as surety, who fails to pay the fee required by
 25 this Subsection shall not be eligible to act as agent or surety on any appearance bond
 26 for ~~the~~ **that** city court. The marshal shall give written notice to the agency
 27 responsible for receiving bonds stating that this party, personal or professional, or
 28 agent thereof, who signed as surety shall no longer be eligible to sign as surety on
 29 appearance bonds for ~~the~~ **that** city court.

* * *

1 §2496.2. Expenses of municipal court

2 A. Notwithstanding any other law to the contrary, a majority of the judges
3 of ~~any municipal court in a parish with a population of not less than four hundred~~
4 ~~seventy thousand~~ **the Municipal Court of New Orleans** may authorize a payment
5 from the judicial expense fund of the court to defray any expense of the court
6 including salary supplements for any personnel as in their discretion may be
7 necessary to expedite the business and function of the court.

8 * * *

9 §2575. **Municipalities with populations in excess of three hundred thousand;**

10 ~~Public~~ **public** health, housing, and environmental violations;
11 administrative adjudication; procedure; appeal; penalties

12 * * *

13 C.

14 * * *

15 (2) Any liens placed against such immovable property shall be included in
16 the next annual ad valorem tax bill and shall be paid along with such taxes, subject,
17 however, to any valid homestead exemption. Failure to pay the liens shall cause the
18 immovable property in or on which the violation occurred to be subject to the same
19 provisions of law as govern tax sales of immovable property, except that in
20 municipalities with populations in excess of ~~four hundred fifty~~ **three hundred**
21 thousand according to the latest federal decennial census, when the immovable
22 property has been declared blighted or a public nuisance by an administrative hearing
23 officer acting in accordance with this Section, the property owners and other parties
24 having interests in the property shall not have a right of redemption. However, if the
25 immovable property has been sold for nonpayment of taxes to a tax sale purchaser
26 other than the municipality, and if the right of redemption from the tax sale has not
27 elapsed at least one year prior to the sale pursuant to this Section, the tax sale
28 purchaser shall have a right of redemption from the sale pursuant to this Section until
29 one year after the right of redemption from the tax sale elapses. In addition, in
30 municipalities with populations in excess of ~~four hundred fifty~~ **three hundred**

1 thousand according to the latest federal decennial census, failure to pay the liens
2 shall also cause such liens and privileges to be subject to enforcement in accordance
3 with R.S. 13:2576. Any liens placed against immovable property that has a legal
4 homestead exemption from taxes will become payable ninety days after the death of
5 the owner thereof or immediately upon recordation of any conventional mortgage on
6 the immovable property or transfer of title to a new owner, whichever occurs first.

7 * * *

8 §2576. Administrative adjudication of public health, housing, fire code,
9 environmental, and historic district violations; municipalities with a
10 population in excess of ~~four hundred fifty~~ **three hundred** thousand

11 A. In each municipality having a population of ~~four hundred fifty~~ **three**
12 **hundred** thousand or more according to the latest federal decennial census, the
13 failure to pay the liens, privileges, and judicial mortgages and any fines, fees,
14 penalties, or hearing costs imposed pursuant to R.S. 13:2575 shall cause the liens,
15 privileges, and judicial mortgages and any fines, fees, penalties, or hearing costs to
16 be enforceable pursuant to the following provisions, in addition to those provided for
17 in R.S. 13:2575:

18 * * *

19 §2583.1. Deputies; oath; compensations

20 A. Each duly elected constable of a justice of the peace court in ~~those~~
21 ~~parishes having a population in excess of four hundred thousand~~ **East Baton Rouge**
22 **Parish and Jefferson Parish** may appoint as many deputy constables as necessary
23 for whose acts he shall be responsible. The deputies before entering upon their
24 duties, shall take the oath required by the constitution and the laws of this state and
25 meet the requirements of R.S. 40:2402 through 2406. Any deputy constable
26 appointed pursuant to this Section shall not be entitled to any compensation from any
27 local governing body or political subdivision, other than the constable's office, and
28 shall not be entitled to any compensation from the state. Each constable may fix the
29 compensation of his deputies and clerical forces. He shall pay from the fees
30 generated by his office the compensation due all deputies and clerical assistants, the

1 premiums on bonds required by him of any deputy in charge of public funds,
2 insurance premiums, if provided, and any and all other expenses of any nature
3 whatsoever necessary for the performance of all duties required of the deputy. He
4 shall issue monthly or twice per month, at his discretion, to employees and deputies
5 warrants or checks for the amounts due them.

6 * * *

7 §2590.1. Appointment of clerk of court; security for costs; advanced costs deposit;

8 East Baton Rouge Parish; Jefferson Parish

9 A.(1) A justice of the peace in ~~a parish whose population exceeds four~~
10 ~~hundred thousand according to the 1990 federal decennial census~~ Jefferson Parish
11 may appoint a clerk of court whose jurisdiction shall coincide with the jurisdiction
12 of the appointing justice of the peace.

13 * * *

14 B. A justice of the peace in ~~a parish whose population exceeds four hundred~~
15 ~~thousand according to the latest federal decennial census~~ East Baton Rouge Parish
16 and Jefferson Parish may demand and receive up to the following amounts in
17 addition to or in lieu of the fees and costs provided for in R.S. 13:2590 for filings and
18 services in civil matters:

19 * * *

20 E. A justice of the peace in ~~a parish whose population exceeds four hundred~~
21 ~~thousand according to the latest federal decennial census~~ East Baton Rouge Parish
22 and Jefferson Parish may demand and receive an amount not to exceed eighty
23 dollars as a fee for issuing a peace bond. Of this amount, twenty dollars shall go to
24 the clerk of courts and of the remaining amount, fifty percent of the fee shall be
25 retained by the justice of the peace for operational expenses of the office and court
26 and fifty percent of the fee shall go to the constable for operational expenses of the
27 constable's office.

28 * * *

29 §4818. Concurus proceedings in ~~cities over four hundred thousand~~ the city of New

30 Orleans; reference to special commissioner

1 Immediately upon issue being joined all concursus proceedings in ~~cities of~~
2 ~~over four hundred thousand~~ **the city of New Orleans** may be referred by the court
3 to a special commissioner to examine and report thereon as to the law and the facts
4 applicable thereto.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____