

Regular Session, 2014

HOUSE BILL NO. 504

BY REPRESENTATIVE CONNICK

COURTS/COURT COSTS: Provides for court costs in district courts to fund DWI courts

1 AN ACT

2 To enact R.S. 13:587.5 and 2565, relative to district or parish courts; to require the
3 assessment of additional costs for specific alcohol related violations; to require any
4 district or parish court with certain specialized divisions or sections to impose certain
5 costs; to require the creation of a special fund for deposit of all fees collected; to
6 provide for the disposition and use of collected fees; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:587.5 and 2565 are hereby enacted to read as follows:

10 §587.5. District courts; specialized divisions; additional costs; certain violations

11 A. Notwithstanding any other provision of law to the contrary, and in
12 addition to any fines, forfeitures, costs, or penalties, a person convicted of a felony,
13 a misdemeanor, or local ordinance, including a traffic felony, misdemeanor, or local
14 traffic violation, shall be assessed an additional cost in any matter where the use of
15 alcohol was a factor involved in the commission of a crime. Any court that
16 designates by rule, divisions, or sections of the court as a specialized division or
17 section having subject matter jurisdiction for a drug court, alcohol court, driving
18 while intoxicated court, sobriety court, or other specialized subject matter
19 jurisdiction shall assess the following costs:

1 (1) One hundred dollars for a violation of R.S. 14:98 or 98.1, prohibiting the
2 operation of a motor vehicle while under the influence of alcohol or drugs.

3 (2) One hundred dollars for a violation of R.S. 14:99, or any municipal or
4 parochial ordinance prohibiting the reckless operation of a motor vehicle.

5 (3) Fifty dollars for a violation of R.S. 14:92, 93.11, 93.12, or 333, or of any
6 municipal or parochial ordinance prohibiting the purchase and public possession of
7 alcoholic beverages by persons under the age of twenty-one years old.

8 (4) Twenty-five dollars for a violation of R.S. 14:91.7, 103, or 107, or of any
9 municipal or parochial ordinance prohibiting public drinking, public possession of
10 alcohol, or appearing in an intoxicated condition in public.

11 (5) Twenty-five dollars for a violation of R.S. 32:300, or of any municipal
12 or parochial ordinance prohibiting the possession of open alcoholic beverage
13 containers in vehicles.

14 (6) Twenty-five dollars for all other convictions of a felony, misdemeanor,
15 or any municipal or parochial ordinance, including a traffic felony, misdemeanor, or
16 a local traffic violation where the use of alcohol was a factor involved in the
17 commission of the crime.

18 B. Any court that has a drug, alcohol, driving while intoxicated, or sobriety
19 division may use the fines provided for in Subsection A of this Section for the
20 development or maintenance of drug or alcohol treatment programs that are
21 recognized or certified by the Louisiana Supreme Court Drug Court Office, the
22 National Highway Traffic Safety Administration, or by the Louisiana Highway
23 Safety Commission.

24 C. The court shall establish a fund to deposit all fees collected pursuant to
25 this Section. The collected fines shall be used solely for the purposes of funding the
26 drug, alcohol, driving while intoxicated, or sobriety division and any related
27 treatment programs and associated administrative expenses. In the event that an

1 individual is unable to pay the cost when assessed, the court may allow payment to
2 be deferred within a certain time frame, based on the person's ability to pay the costs.

3 * * *

4 §2565. Parish courts; specialized divisions; additional costs; certain violations

5 A. Notwithstanding any other provision of law to the contrary, and in
6 addition to any fines, forfeitures, costs, or penalties, a person convicted of a felony,
7 a misdemeanor, or local ordinance, including a traffic felony, misdemeanor, or local
8 traffic violation, shall be assessed an additional cost in any matter where the use of
9 alcohol was a factor involved in the commission of a crime. Any parish court that
10 has within the judicial district in which parish court is located a designated drug
11 court, alcohol court, driving while intoxicated court, sobriety court, or other
12 specialized subject matter jurisdiction court shall assess the following costs:

13 (1) One hundred dollars for a violation of R.S. 14:98 or 98.1, prohibiting the
14 operation of a motor vehicle while under the influence of alcohol or drugs.

15 (2) One hundred dollars for a violation of R.S. 14:99, or any municipal or
16 parochial ordinance prohibiting the reckless operation of a motor vehicle.

17 (3) Fifty dollars for a violation of R.S. 14:92, 93.11, 93.12, or 333, or of any
18 municipal or parochial ordinance prohibiting the purchase and public possession of
19 alcoholic beverages by persons under the age of twenty-one years old.

20 (4) Twenty-five dollars for a violation of R.S. 14:91.7, 103, or 107, or of any
21 municipal or parochial ordinance prohibiting public drinking, public possession of
22 alcohol, or appearing in an intoxicated condition in public.

23 (5) Twenty-five dollars for a violation of R.S. 32:300, or of any municipal
24 or parochial ordinance prohibiting the possession of open alcoholic beverage
25 containers in vehicles.

26 (6) Twenty-five dollars for all other convictions of a felony, misdemeanor,
27 or any municipal or parochial ordinance, including a traffic felony, misdemeanor, or
28 a local traffic violation where the use of alcohol was a factor involved in the
29 commission of the crime.

1 B. Any parish court that has a drug, alcohol, driving while intoxicated, or
 2 sobriety division within the judicial district in which the parish court is located, may
 3 use the fines provided for in Subsection A of this Section for the development or
 4 maintenance of drug or alcohol treatment programs that are recognized or certified
 5 by the Louisiana Supreme Court Drug Court Office, the National Highway Traffic
 6 Safety Administration, or by the Louisiana Highway Safety Commission.

7 C. The parish court shall establish a fund to deposit all fees collected
 8 pursuant to this Section. The collected fines shall be used solely for the purposes of
 9 funding the drug, alcohol, driving while intoxicated, or sobriety division and any
 10 related treatment programs and associated administrative expenses. In the event that
 11 an individual is unable to pay the cost when assessed, the court may allow payment
 12 to be deferred within a certain time frame, based on the person's ability to pay the
 13 costs.

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)]

Connick

HB No. 504

Abstract: Authorizes judges of district or parish courts with specialized subject matter jurisdiction to assess certain fees for certain alcohol related violations.

Proposed law requires that in addition to any fines, forfeitures, costs, or penalties, a person convicted of a felony, misdemeanor, or local ordinance, including a traffic felony, misdemeanor, or violation, shall be assessed an additional court cost in any matter where the use of alcohol was a factor involved in the commission of a crime.

Proposed law provides that any district or parish court that designates by rule, divisions, or sections of the court as a specialized division or section having subject matter jurisdiction for a drug court, alcohol court, driving while intoxicated court, sobriety court, or other specialized subject matter jurisdiction shall assess the following costs:

- (1) \$100 for violation of present law or of any municipal or parochial ordinance prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs or underage driving under the influence.
- (2) \$100 for a violation of present law or of any municipal or parochial ordinance prohibiting the reckless operation of a motor vehicle.
- (3) \$50 for a violation of present law or of any municipal or parochial ordinance prohibiting the contributing to delinquency of juveniles, improper supervision of a

minor by parent or custodian or purchase, and public possession of alcoholic beverages by persons under the age of 21 years old.

- (4) \$25 for a violation of present law or of any municipal or parochial ordinance prohibiting the unauthorized possession or consumption of alcoholic beverages on public school property, public drinking, public possession of alcohol or appearing in an intoxicated condition in public, disturbing the peace, or vagrancy.
- (5) \$25 for a violation of present law or of any municipal or parochial ordinance prohibiting the possession of open alcoholic beverage containers in vehicles.
- (6) \$25 for all other convictions of a felony, misdemeanor, or any municipal or parochial ordinance, including a traffic felony, misdemeanor or a local traffic violation where the use of alcohol was a factor involved in the commission of the crime.

Proposed law authorizes any district or parish court that has a drug, alcohol, driving while intoxicated, or sobriety division to use the fines provided for in proposed law for the development or maintenance of drug or alcohol treatment programs that are recognized or certified by the La. Supreme Court Drug Court Office, the National Highway Traffic Safety Administration, or the La. Highway Safety Commission.

Proposed law requires any district or parish court that collects fees pursuant to proposed law to deposit the monies into a special fund to be used solely for the funding of a drug, alcohol, driving while intoxicated, or sobriety division and any related treatment programs and associated administrative expenses. In the event that an individual is unable to pay the cost when assessed, the court may allow payment to be deferred within a certain time frame, based on the person's ability to pay the costs.

(Adds R.S. 13:587.5 and 2565)