

Regular Session, 2013

HOUSE BILL NO. 722 (Substitute for House Bill No. 313 by Representative Honore)

BY REPRESENTATIVE HONORE

CRIMINAL/PROCEDURE: Provides for an additional fee to be assessed on criminal bonds posted in the city court of Baton Rouge

1 AN ACT

2 To enact R.S. 15:85.4, relative to posting of criminal bonds; to provide for an additional fee
3 to be assessed for criminal bonds posted in the city court of Baton Rouge; to provide
4 for collection of fees by the constable of the Baton Rouge City Court; to provide for
5 allocation of funds to the constable's fund; to provide for use of funds for the
6 operational expenses of the constable's office; to provide for a refund of the fee in
7 certain cases; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:85.4 is hereby enacted to read as follows:

10 §85.4. Posting of criminal bonds; Baton Rouge city constable's office; additional fee
11 assessed

12 A. An additional fee of thirty-five dollars shall be assessed for every criminal
13 bond posted in the city court of Baton Rouge. This fee shall be in addition to any
14 other fees or fines provided by law. Any person seeking release by means of a
15 criminal bond, or his designated representative, shall pay the fee to the constable for
16 the Baton Rouge City Court who shall deposit the funds in the constable's fund for
17 the city court of Baton Rouge.

18 B. The monies collected pursuant to the provisions of Subsection A of this
19 Section shall be used to supplement the operational expenses of the Baton Rouge

1 constable's office. The expenditure of the funds shall be at the sole discretion of the
2 constable of the court.

3 C. If the prosecuting attorney declines to prosecute a person who has paid
4 this fee or the prosecution results in an acquittal, dismissal, or granting of a motion
5 to quash, then the person who paid the fee shall be entitled to a refund after
6 submitting a request for a refund of the fee to the city court within thirty days of the
7 final disposition of the case. The constable's office shall refund the fee within thirty
8 days after receiving notice of the court's order granting the request for a refund.

9 D. The assessment and disposition of any funds pursuant to this Section shall
10 not affect the responsibilities of the city and parish governing authority provided by
11 law for the financing of the constable's office of the city court of Baton Rouge.

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)]

Honore

HB No. 722

Abstract: Authorizes an increase in fees for criminal bonds posted in the Baton Rouge City Court to supplement the operational expenses of the constable's office.

Proposed law authorizes a fee increase of \$35 for all criminal bonds posted in the city court of Baton Rouge to be collected by the constable for deposit into the constable's fund.

Proposed law requires the additional fees to be used to supplement the operational expenses for the constable's office, at the sole discretion of the constable.

Proposed law provides for the person who has paid the fee to submit a request to the court within 30 days for a refund of the fee if the prosecuting attorney declines to prosecute or the prosecution results in an acquittal, dismissal, or granting of a motion to quash. Proposed law further provides that the constable's office shall refund the fee within 30 days after receiving notice of the court's order granting the request for a refund.

Proposed law provides that the financing of the constable's office by the city and parish governing authorities shall not be affected by the increase in fees.

(Adds R.S. 15:85.4)