2018 Regular Session

HOUSE BILL NO. 729

BY REPRESENTATIVE MARCELLE

FEES/LICENSES/PERMITS: Provides relative to bail bond premium fees in certain parishes

1	AN ACT
2	To amend and reenact R.S. 22:822(A)(1) and to enact R.S. 22:822(A)(3) and (B)(4), relative
3	to criminal bail bond premium fees; to provide for bail bond premium fees in certain
4	parishes; to establish the amount of the fee; to provide for a payment procedure and
5	approved methods of payment; to provide for failure to pay the fee; to provide for
6	distribution of collected fees; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 22:822(A)(1) is hereby amended and reenacted and R.S.
9	22:822(A)(3) and (B)(4) are hereby enacted to read as follows:
10	§822. Criminal bail bond annual license fee
11	A. There shall be a fee on premiums for all commercial surety underwriters
12	who write criminal bail bonds in the state of Louisiana, as follows:
13	(1) Except in the parish of Orleans and any parish with a population greater
14	than four hundred forty thousand according to the latest federal decennial census, the
15	fee shall be equal to two dollars for each one hundred dollars worth of liability
16	underwritten by the commercial surety. Except as authorized under the provisions
17	of R.S. 13:718(I)(2), this shall be the exclusive fee or tax on any criminal bail bond
18	premium, including thereto premium taxes owed. In furtherance of the payment of
19	this premium fee all commercial surety underwriters underwriting criminal bail
20	bonds in the state of Louisiana shall, upon submitting the appearance bond and their

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	power of attorney, simultaneously pay to the sheriff of the parish, except in the
2	parish of Orleans, a fee of two dollars for each one hundred dollars worth of liability
3	on the bail bond being presented for the release of a person on bail. Failure to pay
4	the fee shall prevent the sheriff from accepting the appearance bond and power of
5	attorney. The sheriff may receive the fee by check or cash and shall only accept it
6	from the surety or the agent of the surety. In the event a surety or agent of the surety
7	presents payment of the fee by an instrument which is returned for insufficient funds,
8	the agent or the agent of the surety shall be prevented from presenting the appearance
9	bonds with their power of attorney attached until the outstanding fees are paid to the
10	sheriff.
11	* * *
12	(3)(a) In any parish with a population greater than four hundred forty
12	thousand according to the latest federal decennial census, the fee shall be equal to
13	three dollars for each one hundred dollars worth of liability underwritten by the
15	
15	<u>commercial surety.</u>
	(b) This shall be the exclusive fee or tax on any criminal bail bond premium,
17	including thereto premium taxes owed.
18	(c)(i) In furtherance of the payment of this premium fee, all commercial
19	surety underwriters underwriting criminal bail bonds in a parish subject to the
20	provisions of this Paragraph shall, upon submitting the appearance bond and their
21	power of attorney, simultaneously pay to the sheriff of the parish a fee of three
22	dollars for each one hundred dollars worth of liability on the bail bond being
23	presented for the release of a person on bail.
24	(ii) Failure to pay the fee shall prevent the sheriff from accepting the
25	appearance bond and power of attorney.
26	(iii) The sheriff may receive the fee by check or cash and shall accept it only
27	from the surety or the agent of the surety.
28	(iv) In the event a surety or agent of the surety presents payment of the fee
29	by an instrument which is returned for insufficient funds, the agent or the agent of

1	the surety shall be prevented from presenting the appearance bonds with their power
2	of attorney attached until the outstanding fees are paid to the sheriff.
3	B.(1) Except as otherwise provided in this Subsection, all premium fees
4	collected by the sheriff shall be remitted within sixty days after receipt as follows:
5	* * *
6	(4)(a) In any parish with a population greater than four hundred forty
7	thousand according to the latest federal decennial census, one dollar of the three
8	dollars collected by the sheriff of the parish for each one hundred dollars worth of
9	liability underwritten by the commercial surety shall be remitted to the indigent
10	defender fund for the judicial district in which the parish is located.
11	(b) The remaining two dollars collected by the sheriff of the parish shall be
12	remitted according to the following schedule:
13	(i) One-third to the judicial expense fund for the judicial district in which the
14	parish is located.
15	(ii) One-third to the sheriff's general fund for the parish.
16	(iii) One-third to the district attorney's operating fund for the parish.

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)]

HB 729 Original	2018 Regular Session	Marcelle
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Abstract: Establishes a \$3.00 bail bond premium fee in certain parishes and provides for its distribution.

<u>Present law</u> establishes a fee in the amount of \$2.00 for each \$100 worth of liability underwritten by a commercial surety who writes criminal bail bonds in the state of Louisiana. <u>Present law</u> provides an exception for the parish of Orleans.

<u>Proposed law</u> retains <u>present law</u> and adds an additional exception for any parish with a population greater than 440,000 according to the latest federal decennial census.

<u>Proposed law</u> provides that in any parish with a population greater than 440,000 according to the latest federal decennial census, the fee shall be equal to \$3.00 for each \$100 worth of liability underwritten by the commercial surety.

<u>Proposed law</u> requires, in any parish with a population greater than 440,000 according to the latest federal decennial census, \$1.00 of the fee collected by the sheriff of the parish to be

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remitted to the indigent defender fund for the judicial district in which the parish is located no later than 60 days after receipt.

<u>Proposed law</u> requires the remaining \$2.00 collected by the sheriff of the parish to be remitted no later than 60 days after receipt according to the following schedule:

- (1) One-third to the judicial expense fund for the judicial district in which the parish is located.
- (2) One-third to the sheriff's general fund for the parish.
- (3) One-third to the district attorney's operating fund for the parish.

(Amends R.S. 22:822(A)(1); Repeals R.S. 22:822(A)(3) and (B)(4))