2021 Regular Session



SENATE BILL NO. 245 (Substitute of Senate Bill No. 71 by Senator Bernard)

BY SENATOR BERNARD

1	AN ACT
2	To amend and reenact Code of Civil Procedure Arts. 1734(A) and 1734.1, relative to civil
3	jury trials; to provide for the costs and expenses related to jury trials; to provide for
4	the payment of jurors; to provide for certain deposits and amounts; to provide for
5	certain actions by the court and clerk; to provide certain terms, conditions, and
6	procedures; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. Code of Civil Procedure Articles 1734(A) and 1734.1 are hereby amended
9	and reenacted to read as follows:
10	Art. 1734. Fixing the bond; calling the jury venire
11	A. Except as otherwise provided by R.S. 13:3105 et seq., when the case has
12	been set for trial, the court shall fix the amount of the bond to cover all costs
13	estimated by the court related to the trial by jury and shall fix the time for filing the
14	bond, which shall be no later than sixty days prior to trial. Notice of the fixing of the
15	bond shall be served on all parties. If the bond is not filed timely, any other party
16	shall have an additional ten days to file the bond.
17	* * *
18	Art. 1734.1. Cash deposit; procedure
19	A. When the case has been set for trial, the court may order, in lieu of the
20	bond required in Article 1734, a deposit for costs, which shall be a specific cash
21	amount estimated by the court, and the court shall fix the time for making the
22	deposit, which shall be no later than thirty days prior to trial. The deposit shall
23	include sufficient funds for payment of all costs associated with a jury trial,
24	including juror fees and expenses and charges of the jury commission, clerk of court,
25	and sheriff. The required deposit shall not exceed two five thousand dollars for the

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Coding: Words which are struck through are deletions from existing law; words **in boldface type and underscored** are additions.

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1	first day, and four hundred one thousand dollars per day for each additional day the
2	court estimates the trial will last. Notice of the fixing of the deposit shall be served
3	on all parties. If the deposit is not timely made, any other party shall have an
4	additional ten days to make the required deposit. Failure to post the eash deposit
5	shall constitute a waiver of a trial by jury. However, no cash deposit shall be required
6	of an applicant for a jury trial under the provisions of this Article if waived or an
7	order is rendered, pursuant to Chapter 5 of Title I of Book IX of the Code of Civil
8	Procedure, permitting the applicant to litigate or continue to litigate without payment
9	of costs in advance or furnishing security therefor.
10	B. <u>When the deposit has been filed, the clerk of court shall order the jury</u>
11	commission to draw a sufficient number of jurors to try and determine the
12	cause, such drawing to be made in accordance with R.S. 13:3044.
12 13	<u>cause, such drawing to be made in accordance with R.S. 13:3044.</u><u>C.</u> The clerk of court may disburse funds from the cash deposit for payment
13	$\underline{\mathbf{C}}$. The clerk of court may disburse funds from the cash deposit for payment
13 14	\underline{C} . The clerk of court may disburse funds from the cash deposit for payment of all or a part of the jury costs as such costs accrue. The clerk shall keep a record of
13 14 15	<u>C.</u> The clerk of court may disburse funds from the cash deposit for payment of all or a part of the jury costs as such costs accrue. The clerk shall keep a record of funds disbursed by him from the cash deposit.
13 14 15 16	<u>C.</u> The clerk of court may disburse funds from the cash deposit for payment of all or a part of the jury costs as such costs accrue. The clerk shall keep a record of funds disbursed by him from the cash deposit. <u>C.D.</u> The court may require an additional amount <u>deposit</u> to be filed during
13 14 15 16 17	<u>C.</u> The clerk of court may disburse funds from the cash deposit for payment of all or a part of the jury costs as such costs accrue. The clerk shall keep a record of funds disbursed by him from the cash deposit. <u>C.D.</u> The court may require an additional amount <u>deposit</u> to be filed during the trial if the original amount of the cash deposit is insufficient to pay jury costs.
13 14 15 16 17 18	 <u>C.</u> The clerk of court may disburse funds from the cash deposit for payment of all or a part of the jury costs as such costs accrue. The clerk shall keep a record of funds disbursed by him from the cash deposit. <u>C.D.</u> The court may require an additional amount <u>deposit</u> to be filed during the trial if the original amount of the cash deposit is insufficient to pay jury costs. <u>D.E.</u> The funds disbursed from the cash deposit for payment of jury costs
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 13 14 15 16 17 18 19 20 	 <u>C.</u> The clerk of court may disburse funds from the cash deposit for payment of all or a part of the jury costs as such costs accrue. The clerk shall keep a record of funds disbursed by him from the cash deposit. C.<u>D.</u> The court may require an additional amount <u>deposit</u> to be filed during the trial if the original amount of the cash deposit is insufficient to pay jury costs. D.<u>E.</u> The funds disbursed from the cash deposit for payment of jury costs shall be assessed as costs of court. E.<u>F.</u> After payment of all jury costs, any unexpended amounts remaining in

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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