

Regular Session, 2013

SENATE BILL NO. 251

BY SENATORS MORRELL, ALLAIN, JOHNS, LAFLEUR, MILLS AND PETERSON
AND REPRESENTATIVES BROSSETT AND MORENO

DOMESTIC VIOLENCE. Provides for fee to be added to domestic violence convictions in certain courts. (2/3 - CA7s2.1) (gov sig)

1 AN ACT

2 To enact R.S. 13:2116 and 2166, relative to domestic violence offenses; to provide for a fee
3 upon conviction of any domestic violence offense in certain courts; to provide
4 relative to the disbursements of the proceeds of such fee; to require an annual audit
5 of such funds; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:2116 and 2166 are hereby enacted to read as follows:

8 **§2116. Fee for conviction of a domestic violence offense**

9 **A. Notwithstanding any law to the contrary, in any mayor's court,**
10 **magistrate court, or any court of competent jurisdiction for any conviction of**
11 **a domestic violence offense, including but not limited to domestic abuse battery,**
12 **domestic abuse aggravated assault, or violation of a protective order, if a**
13 **defendant is convicted and placed on probation, the court shall, as a condition**
14 **of probation, require the defendant to pay an additional fee at the time the**
15 **defendant is placed on probation. If the sentence of the court is incarceration,**
16 **the fee shall be collected at the time of imposition of the sentence. The amount**
17 **of such fee shall be determined by the sentencing judge, but shall not be less**

1 than one dollar nor more than five hundred dollars.

2 B. Each mayor's court, magistrate court, or any court of competent
3 jurisdiction shall remit all funds collected pursuant to this Section to the parish
4 governing authority of each parish to be deposited into a special account. All
5 monies in this account shall be used solely for the purposes of contracting with
6 any program under contract with and recognized by the Department of
7 Children and Family Services as a provider of a community-based shelter for
8 victims of domestic violence pursuant to R.S. 46:2124 in such parish. The
9 respective parish governing authority shall cause to be conducted annually an
10 audit of the funds and the books and accounts relating thereto and make such
11 available for public inspection and shall file the same with the office of the
12 legislative auditor.

13 * * *

14 §2166. Fee for conviction of a domestic violence offense

15 A. Notwithstanding any law to the contrary, in any magistrate section
16 for any conviction of a domestic violence offense, including but not limited to
17 domestic abuse battery, domestic abuse aggravated assault, or violation of a
18 protective order, if a defendant is convicted and placed on probation, the court
19 shall, as a condition of probation, require the defendant to pay an additional fee
20 at the time the defendant is placed on probation. If the sentence of the court is
21 incarceration, the fee shall be collected at the time of imposition of the sentence.
22 The amount of such fee shall be determined by the sentencing judge, but shall
23 not be less than one dollar nor more than five hundred dollars.

24 B. Each magistrate section shall remit all funds collected pursuant to
25 this Section to the Orleans Parish governing authority for deposit into a special
26 account. All monies in this account shall be used solely for the purposes of
27 contracting with any other local nonprofit organization that provides shelter for
28 battered women and their children or homeless women and their children in
29 Orleans Parish. The governing authority shall cause to be conducted annually

1 **an audit of the funds and the books and accounts relating thereto and make**
 2 **such available for public inspection and shall file the same with the office of the**
 3 **legislative auditor.**

4 Section 2. This Act shall become effective upon signature by the governor or, if not
 5 signed by the governor, upon expiration of the time for bills to become law without signature
 6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 8 effective on the day following such approval.

The original instrument was prepared by Cathy R. Wells. The following digest, which does not constitute a part of the legislative instrument, was prepared by Martha Hess.

DIGEST

Morrell (SB 251)

Proposed law requires that in any mayor's court, magistrate court, including Orleans, or any court of competent jurisdiction for any conviction of a domestic violence offense, including but not limited to domestic abuse battery, domestic abuse aggravated assault, or violation of a protective order, if a defendant is convicted and placed on probation, the court, as a condition of probation, requires the defendant to pay an additional fee at the time the defendant is placed on probation.

Proposed law requires that if the sentence of the court is incarceration, the fee is to be collected at the time of imposition of sentence.

Proposed law authorizes the judges for the mayor's courts, magistrate courts, or any court of competent jurisdiction to determine the amount of the fee, but not be less than one dollar nor more than \$500.

Proposed law requires each mayor's court, magistrate court, or any court of competent jurisdiction to remit all funds collected to their respective parish governing authority to be deposited into a special account to be used solely for the purposes of contracting with any program under contract with and recognized by the Department of Children and Family Services as a provider of a community based shelter for victims of domestic violence in such parish.

Proposed law requires the respective parish governing authority to cause to be conducted an annual audit of the funds, and the books and accounts relating thereto and make such available for public inspection and shall file the same with the office of the legislative auditor.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S.13:2116 and 2166)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the original bill

1. Provides that imposition of fee shall apply to any court of competent jurisdiction.
2. Provides that funds shall be used for contracting with programs under contract with the Department of Children and Family Services as a provider of a community based shelter for victims of domestic violence.