

Regular Session, 2012

HOUSE BILL NO. 718

BY REPRESENTATIVE WESLEY BISHOP

INDIGENT DEFENSE: Increases penalties for safety belt violations in Orleans Parish with proceeds funding indigent defense

1 AN ACT

2 To amend and reenact R.S. 32:295.1(G)(2) and to enact R.S. 15:571.11(A)(1)(d) and R.S.
3 32:295.1(G)(3), relative to the disposition of fines collected for safety belt violations;
4 to provide for an additional penalty for safety belt violations in Orleans Parish; to
5 provide for the use of funds received from that assessment; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:571.11(A)(1)(d) is hereby enacted to read as follows:

9 §571.11. Dispositions of fines and forfeitures

10 A.(1)

11 * * *

12 (d) Notwithstanding any other provision of law to the contrary, the additional
13 penalty collected for safety belt violations occurring in Orleans Parish shall be
14 deposited into the Orleans Parish Criminal District Court indigent defender fund in
15 accordance with R.S. 32:295.1(G)(2).

16 * * *

17 Section 2. R.S. 32:295.1(G)(2) is hereby amended and reenacted and R.S.
18 32:295.1(G)(3) is hereby enacted to read as follows:

19 §295.1. Safety belt use; tags indicating exemption

20 * * *

1 G.

2 * * *

3 (2) Any person who violates the provisions of this Section in Orleans Parish
4 shall have an additional twenty dollar penalty assessed for each violation. The funds
5 collected pursuant to the provisions of this Paragraph shall be deposited in the
6 Orleans Parish Criminal District Court indigent defender fund pursuant to the
7 provisions of R.S. 15:571.11(A)(1)(d).

8 ~~(2)~~(3) Notwithstanding any contrary provision of law, no other cost or fee
9 shall be assessed against any person for a violation of this Section.

10 * * *

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)]

Wesley Bishop

HB No. 718

Abstract: Provides for an additional fine in Orleans Parish for safety belt violations to fund indigent defender services.

Present law provides that each driver of a passenger car, van, or truck having a gross weight of 10,000 pounds or less, commonly referred to as a pickup truck, shall have a safety belt properly fastened about his or her body at all times when the vehicle is in forward motion.

Present law further provides that any person who violates these provisions shall be subject to the following penalties:

- (1) Upon conviction of a first offense, the fine shall be \$25 which shall include all costs of court.
- (2) Upon conviction of a second offense, the fine shall be \$50 which shall include all costs of court.
- (3) Upon conviction of a third offense and any subsequent offense, the fine shall be \$50 plus all costs of court.

Proposed law retains present law and provides for an additional \$20 penalty for violations in Orleans Parish, which funds shall be used for the Orleans Parish Criminal District Court indigent defender fund.

Present law further provides that funds collected from traffic violations shall be paid into the treasury of the parish in which the court is situated and deposited in a special "Criminal Court Fund" account, which, on motion by the district attorney and approval order of the district judge, may be used or paid out in defraying the expenses of the criminal courts of the parish.

Present law provides that from the fines collected, the sheriffs throughout the state, the parish of Orleans excepted, shall retain 12% of the amount of fines collected to go into the sheriff's general fund in each parish and an additional 12% of the amount of fines collected shall be transmitted to the district attorney of the judicial district or be used by the district attorney in defraying such expenses of his office as in his discretion may be necessary.

Present law further provides that the remainder of the fines collected for violations of parking restrictions and for false certification of mobility impairment by a physician as shall be forwarded to the Disability Affairs Trust Fund.

Proposed law retains present law and further provides that the additional \$20 penalty collected on safety belt violations in Orleans Parish shall be deposited into the Orleans Parish Criminal District Court into the indigent defender fund.

(Amends R.S. 32:295.1(G)(2); Adds R.S. 15:571.11(A)(1)(d) and R.S. 32:295.1(G)(3))