

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

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

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DIGEST

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 deposited into the 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 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))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the engrossed bill

1. Changes from requiring deposit of the penalty in the Orleans Parish Criminal District Court indigent defender from to deposit of the penalty in the indigent defender fund.