

ORDINANCE NO. 19-19

See 11.5.19 Minutes

AN ORDINANCE ESTABLISHING THE AMOUNT OF  
COURT COSTS TO BE COLLECTED IN THE  
ELIZABETH, LOUISIANA MAYOR'S COURT

**BE IT ORDAINED** by the Mayor and Board of Aldermen of the Village of Elizabeth, Louisiana, who met in regular session and enacted the following Ordinance No. 19-19 which shall read as follows:

The following court costs shall be collected upon conviction of any individual in Mayor's Court for the listed offenses:

**General Court Costs:** Upon conviction for any offense in Mayor's Court there shall be assessed court costs in the amount of **\$30.00**.

**Traffic Violations/Fee:** For each conviction or forfeiture of bail involving a violation of an ordinance for regulating the operation of motor vehicles on highways, a fee of **\$2.00** is to be added to be retained by the court to cover the cost of preparing and submitting the abstract of the conviction or forfeiture to the Department of Public Safety and Corrections.

**Crime Victims Reparations Fund:** Under R.S. 46:1816(D), a cost of **\$7.50** must be collected for each violation of a municipal ordinance, **except traffic violations**, which results in a conviction. This cost must be paid by the defendant and cannot be suspended or waived unless the defendant is indigent, all other court costs are suspended or waived, or restitution is ordered. These costs are to be remitted to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice on or before the first of each month.

**Law Enforcement Training:** Under R.S. 46:1816(E), a person convicted of an ordinance must be assessed an additional **\$2.00** as special costs. The costs, less 2% withheld for administrative costs, are to be paid to the Louisiana Commission of Law Enforcement and Administration of Criminal Justice to be used to train law enforcement officers as directed by the Peace Officer Standards and Training Council.

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The costs are to be remitted to the Commission on or before the first day of each month.

**Litter Violations:** Under R.S. 56:70.3, an additional fine of **\$5.00** is to be imposed on each person convicted of violating a litter ordinance. The costs are to be paid to the state treasurer upon collection for credit to the Louisiana Help Our Wildlife Fund.

**Trial Court Management Information System:** Article 887(F) requires an additional **\$1.00** assessment as special cost to each person convicted of an ordinance in a court in a municipality of 2,000 or less. The costs are to be paid to the state treasury on or before the tenth of each month and credited to the Trial Court Case Management Information Fund. The funds are to be used to prepare a master plan for developing a trial court case management system and its criminal disposition component.

**Traumatic Head and Spinal Cord Injuries Services:** R.S. 46:2633 requires that a cost of **\$5.00** be assessed as special cost for each **reckless driving or speeding offense**, which results in conviction. This cost is to be remitted to the state treasurer within 30 days after collection and used for programs designed to provide service to Louisiana Citizens disabled by traumatic head and spinal cord injuries. If payment arrangements for other fines, fees, cost, and punishments are made to provide an offender the opportunity to make restitution over an extended period of time, the fee is to be collected in priority after costs of court.

**Disability Affairs Trust Fund:** R.S. 46:2583 requires that a fee of **\$25.00** be imposed for each violation of a **mobility-impaired parking ordinance**. The fee is to be remitted to the state treasurer within 30 days after collection and used solely for the operation of the Governor's Office of Disability Affairs and any program designed to provide services to Louisiana citizens with disabilities.

**Crime Stoppers Organization:** Article 895.4 provides that the chief of police may certify one or more organizations as certified crime stoppers organizations for the court. Should the chief of police certify an organization in accordance with article 895.4, whenever a defendant in a criminal or traffic matter is convicted of any criminal offense or of any traffic offense for which the chief has certified one or more organizations as certified crime stoppers organizations, the court shall assess an additional **\$2.00 as cost of court for each offense** for which the defendant is convicted. The court shall not suspend the payment of this cost.

The court is to pay the proceeds from the additional cost to the certified crime stoppers organization each month. If the chief has certified more than one organization, the court is to distribute the proceeds from the additional cost between or among those

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certified crime stoppers organizations in accordance with the determination of the allocation of those funds by the chief.

**Louisiana Judicial College:** A person convicted of a felony, a misdemeanor, or violating an ordinance of any local government, including a traffic felony, traffic misdemeanor, or a **local traffic violation**, shall be assessed an additional **\$0.50** as a special court cost. These costs shall be imposed by all courts, including mayor's courts and magistrate courts. All funds collected pursuant to this law shall be deposited into a special account and transmitted monthly to the Louisiana Supreme Court in the manner and form specified by the supreme court and shall be used to defray the costs associated with the general growth and program improvement strategies of the Judicial College.

**Law Enforcement Witness Fee:** Each law enforcement officer who is required to be a witness in a case in his official capacity during any time when he is not otherwise required to report to work or perform his official duties, unless the officer is compensated by his employer for his appearance as a witness under the federal Fair Labor Standards Act, is to be paid **\$50.00** for each day per case, not to exceed \$150 per day. Application is to be made city hall and payment is to be forwarded to the law enforcement officer's employer. The employer is responsible for calculating and withholding all deductions for taxes, remitting the amounts to the appropriate taxing authority, and, within 30 days after receipt of the funds, transferring the net amount to the officer. The fees are to be paid from court costs assessed and collected in individual cases in which there is a **plea of guilty or a conviction**, provided that the cost assessed for any one person shall not exceed **\$50**. The judge may adjust the schedule of costs from time to time as the needs of the fund requires, up to \$50 per person who pleads guilty or is convicted.

**BE IT FURTHER ORDAINED** that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given effect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

**BE IT FURTHER ORDAINED** that all Ordinances or parts thereof in conflict herewith are hereby repealed.

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Said Ordinance having been introduced on the 3<sup>rd</sup> day of September, 2019 by notice of Public Hearing having been published on the 26<sup>th</sup> day of September, 2019, said Public Hearing having been held, title having been read and Ordinance considered, on motion by Ken Kelly, and seconded by Angela Smith to adopt the Ordinance. A record vote was taken and the following result was had:

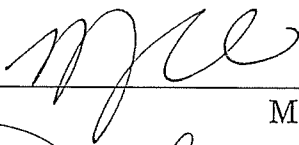
YEA   NAY   ABSENT   ABSTAINING

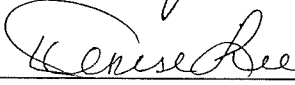
Angela Smith:        X

Kelly Stalsby:       X

Ken Kelly:            X

Thereupon the Mayor declared the above Ordinance duly adopted on the 12<sup>th</sup> day of November, 2019.

  
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Mayor

Attest:   
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Clerk