

# **FINES & FORFEITS**

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**CITY COURT CRIMINAL FINES  
CITY COURT FORFEITURES**

REVENUE TYPE	FUND . . OBJECT		
Fines and Forfeits	City	001 . . 450101	Fines
	City	001 . . 450102	Forfeitures

**LEGAL AUTHORIZATION**

FEDERAL	STATE	LOCAL
N/A	Louisiana Revised Statutes 13:1872, et seq. 13:2002 15:571.11 L (3)	<i>Plan of Government</i> Section 11:04

**INTERPRETATION OF LEGAL AUTHORIZATION:**

**Federal:** N/A

**State:** L.R.S. 13:1872-1902 contains general provisions for city courts. L.R.S. 13:2002 states that fines, forfeitures, costs, and penalties imposed in criminal prosecutions by the City Court of Baton Rouge are to be paid into the City General Fund. L.R.S. 15:571.11 provides that, as of June 22, 1993, proceeds of bond forfeitures would be divided equally among the prosecutor, the court, the law enforcement agency involved, and the indigent defender program.

**Local:** Section 11.04 of *The Plan of Government* of the City of Baton Rouge and the Parish of East Baton Rouge creates a City Court of the City of Baton Rouge, which has jurisdiction over the territorial area of the City of Baton Rouge. The criminal jurisdiction of the City Court includes cases involving the violation of any city or parochial ordinance and is limited to offenses not punishable by imprisonment at hard labor.

**COLLECTION AND TRANSMITTAL OF FUNDS:**

**Collector:** The Clerk of City Court.

**Transmittal:** Remitted daily to Finance Department–Revenue Division.

**DISTRIBUTION OF PROCEEDS:**

From 6/22/93 through 12/31/98, bond forfeitures were distributed 25% each to the City General Fund, the City Court Judicial Expense Fund, the City Constable Court Costs Fund, and the indigent defender program. Beginning 1/1/99 the City Court Judicial Expense Fund was eliminated, and its portion is deposited into the General Fund.

**PAYOR OF FEE:**

Criminal fines may be imposed by the City Court judges on persons convicted of criminal offenses in the City Court of Baton Rouge. Persons who post bonds but fail to appear in court forfeit the amount posted.

**COMPUTATION OF FEE:**

The City Court criminal fines are set at the discretion of the judges of City Court, within the limitations of state statutes and local ordinances.

**REFUND PROCEDURE, RESTRICTIONS, AND RATE LIMITATIONS:**

None.

**MONTHLY COLLECTIONS WITH CUMULATIVE PERCENTAGES FOR THE LAST FOUR YEARS:**

CITY COURT CRIMINAL FINES (CITY)					ACCOUNT NUMBER 001 . . 450101			
MONTH	2001		2002		2003		2004	
	AMOUNT	%	AMOUNT	%	AMOUNT	%	AMOUNT	%
January	16,821	7.91%	16,551	6.40%	28,906	12.43%	21,905	9.15%
February	22,434	18.46%	32,231	18.87%	29,537	25.13%	23,998	19.18%
March	18,443	27.13%	22,825	27.71%	27,443	36.93%	24,735	29.51%
April	15,338	34.34%	24,886	37.33%	16,727	44.12%	19,535	37.67%
May	19,218	43.38%	24,731	46.90%	15,691	50.87%	19,803	45.94%
June	13,569	49.76%	20,630	54.89%	18,818	58.96%	17,693	53.33%
July	24,875	61.46%	21,455	63.19%	16,842	66.21%	19,893	61.64%
August	16,616	69.27%	19,559	70.75%	12,966	71.78%	18,436	69.34%
September	15,506	76.56%	17,066	77.36%	16,045	78.68%	21,517	78.33%
October	17,122	84.61%	21,247	85.58%	18,630	86.69%	18,462	86.04%
November	15,693	91.99%	18,923	92.90%	14,167	92.78%	17,608	93.40%
December	17,028	100.00%	18,350	100.00%	16,783	100.00%	15,799	100.00%
TOTAL	212,663	-17.53%	258,454	21.53%	232,555	-10.02%	239,384	2.94%

NOTES: Fluctuations from one year to the next reflect the number and amounts of fines imposed by the judges.

CITY COURT FORFEITURES (CITY)					ACCOUNT NUMBER 001 . . 450102			
MONTH	2001		2002		2003		2004	
	AMOUNT	%	AMOUNT	%	AMOUNT	%	AMOUNT	%
January	0	0.00%	0	0.00%	36,797	26.85%	46,218	24.56%
February	217	1.29%	600	3.45%	1,755	28.13%	1,725	25.47%
March	0	1.29%	218	4.71%	650	28.60%	15,903	33.92%
April	0	1.29%	1,229	11.78%	12,288	37.57%	1,616	34.78%
May	927	6.81%	430	14.26%	13,790	47.63%	16,471	43.53%
June	5,576	40.00%	194	15.37%	2,049	49.13%	34,820	62.03%
July	882	45.25%	576	18.69%	25,391	67.66%	15,591	70.31%
August	0	45.25%	0	18.69%	19,551	81.92%	15,752	78.68%
September	300	47.04%	180	19.72%	4,084	84.90%	15,532	86.93%
October	4,168	71.85%	2,789	35.77%	5,379	88.83%	3,562	88.83%
November	0	71.85%	0	35.77%	11,692	97.36%	15,249	96.93%
December	4,729	100.00%	11,160	100.00%	3,620	100.00%	5,783	100.00%
TOTAL	16,799	3399.79%	17,376	3.4%	137,046	688.71%	188,222	37.34%

NOTES: The large increase in 2001 is due to stepped-up efforts to collect forfeited bonds. The large deposit in December 2002, constituting more than half of that year's forfeitures, was the result of collecting from one insurance company for several defendants. The 2003 and 2004 increases are attributed to a more aggressive pursuit of bond forfeiture judgments.

## CITY COURT TRAFFIC FINES

REVENUE TYPE	FUND . . OBJECT
Fines and Forfeits	City            001 . . 450103

### LEGAL AUTHORIZATION

FEDERAL	STATE	LOCAL
N/A	Louisiana Revised Statutes 32:41	Code of Ordinances, Title 11  <i>En Banc</i> Order of City Court, effective 11/5/02

### INTERPRETATION OF LEGAL AUTHORIZATION:

**Federal:** N/A.

**State:** **L.R.S. 32:41** gives local municipal authorities the power to adopt ordinances regulating traffic on highways other than state-maintained highways within their corporate limits. They may also adopt ordinances regulating traffic on state-maintained highways within their corporate limits as long as such ordinances do not establish regulations different from or in addition to the provisions of this statute, unless such additions or supplements are approved in writing by the Department of Public Safety. In addition, this statute allows the municipal ordinance to provide for such penalties as are consistent with the authority granted by the local municipal charter or state statute under which the municipal government operates.

**Local:** **Title 11 (Traffic Code) of the Code of Ordinances** of the City of Baton Rouge and the Parish of East Baton Rouge provides for the enforcement of street traffic regulations in the city and all of the state vehicle laws applicable to street traffic in the city by the Traffic Division of the Police Department. The ***en banc* order of November 5, 2002**, provides the most recent fines schedule for traffic violations.

### COLLECTION AND TRANSMITTAL OF FUNDS:

**Collector:** The Clerk of City Court.

**Transmittal:** Remitted daily to Finance Department–Accounting Division.

### DISTRIBUTION OF PROCEEDS:

Not applicable.

### PAYOR OF FEE:

Every driver of any type of vehicle, as well as certain non-motorized traffic, is required to obey the traffic ordinances of the city and the state. **Drivers found guilty of violating a traffic ordinance** may be sentenced to pay a fine.

### COMPUTATION OF FEE:

The City Court *en banc* order effective November 5, 2002, set forth a schedule of fines to be imposed for traffic infractions unless otherwise specifically ordered by the assigned judge, which schedule is on file in the Budgeting Division of the Finance Department.

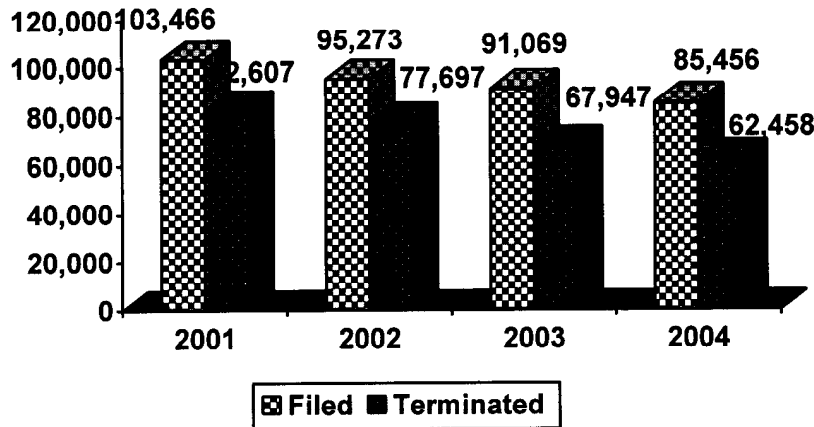
### REFUND PROCEDURE, RESTRICTIONS, AND RATE LIMITATIONS:

None.

**MONTHLY COLLECTIONS WITH CUMULATIVE PERCENTAGES FOR THE LAST FOUR YEARS:**

CITY COURT TRAFFIC FINES (CITY)					ACCOUNT NUMBER 001 . . 450103			
MONTH	2001		2002		2003		2004	
	AMOUNT	%	AMOUNT	%	AMOUNT	%	AMOUNT	%
January	98,299	7.62%	103,503	9.08%	89,003	8.53%	81,047	7.98%
February	125,271	17.33%	121,964	19.78%	105,839	18.68%	101,235	17.94%
March	124,895	27.02%	116,677	30.02%	105,552	28.79%	112,948	29.05%
April	102,876	35.00%	112,269	39.87%	80,448	36.51%	89,669	37.88%
May	116,665	44.04%	97,407	48.41%	79,400	44.12%	84,479	46.19%
June	115,668	53.01%	81,156	55.53%	72,033	51.02%	87,361	54.79%
July	118,919	62.23%	105,199	64.76%	91,365	59.78%	92,009	63.85%
August	101,999	70.14%	96,513	73.23%	80,910	67.53%	76,968	71.42%
September	93,130	77.36%	80,711	80.31%	85,841	75.76%	72,913	78.60%
October	106,418	85.61%	79,756	87.31%	92,651	84.64%	72,717	85.75%
November	99,559	93.33%	70,415	93.48%	75,534	91.88%	64,099	92.06%
December	86,018	100.00%	74,267	100.00%	84,675	100.00%	80,679	100.00%
<b>TOTAL</b>	<b>1,289,717</b>	<b>-8.68%</b>	<b>1,139,837</b>	<b>-8.68%</b>	<b>1,043,251</b>	<b>-11.62%</b>	<b>1,016,124</b>	<b>-2.60%</b>

NOTE: Fluctuations in revenues from traffic fines result in part from number of tickets issued. Traffic cases filed or terminated were as follows:



Other factors that influence collections are the fact that the amounts of the standard fines for each offense are changed from time to time by order of the City Court judges, and the fact that the judges may impose or suspend the fine in any given case.

## DISTRICT COURT FINES

REVENUE TYPE	FUND . . OBJECT
Fines and Forfeits	Parish      002 . . 450201

### LEGAL AUTHORIZATION

FEDERAL	STATE	LOCAL
N/A	Louisiana Revised Statutes 15:571.11 15:86.1	Intergovernmental Agreement between City-Parish and 19th Judicial District Court, 1995

### INTERPRETATION OF LEGAL AUTHORIZATION:

**Federal:** N/A.

**State:** L.R.S. 15:571.11 provides that all fines and forfeitures are to be collected by the sheriff and paid into the treasury of the parish in which the court is situated. In the 1993 and 1994 sessions of the Legislature a new provision was added to this statute concerning forfeitures of criminal bail bonds. Beginning in 1994, forfeited amounts were to be distributed as follows: 30% to the district attorney; 25% to the court fund of the parish where the bond was posted; 25% to the sheriff; and 22% to the Indigent Defenders Program for the parish. L.R.S. 15:86.1 provides that bonds that remain unclaimed for three years are to be paid into the Parish General Fund.

**Local:** An Intergovernmental Agreement between the City-Parish and the 19th Judicial District Court, signed June 27, 1995, provides that, effective January 1, 1995, the District Court would retain all fines and forfeitures allowable under state law, including those types previously credited to the Parish General Fund; and that the base budget provided by the Parish General Fund for the operations of the District Court would be adjusted to allow for that change.

### COLLECTION AND TRANSMITTAL OF FUNDS:

**Collector:** Sheriff of East Baton Rouge Parish.

**Transmittal:** Remitted directly to District Court.

### DISTRIBUTION OF PROCEEDS:

N/A.

### PAYOR OF FEE:

Fines may be imposed by the 19th Judicial District Court on **persons convicted of crimes** in that court. Bonds are forfeited by **persons who fail to appear** when required by the court to do so.

### REFUND PROCEDURE, RESTRICTIONS, AND RATE LIMITATIONS:

Bonds that remain unclaimed for 3 years are paid into the Parish General Fund. If such a bond is later claimed, it is refunded by means of a payment voucher charged to this revenue account.

DISTRICT COURT FINES	ACCOUNT 002 . . 450201
Totals in this account for the past four years have been: <b>\$0</b> in 2001, 2003, and 2004; and <b>-\$4,000</b> in 2002. The negative amount comes from the refunding of bonds cancelled in prior years but not claimed until later.	

## ABC BOARD FINES

REVENUE TYPE	FUND . . OBJECT
Fines and Forfeits	City            001 . . 451300 Parish         002 . . 451300

### LEGAL AUTHORIZATION

FEDERAL	STATE	LOCAL
N/A	Louisiana Revised Statutes Title 26	Code of Ordinances Title 1, § 1:150-154 Ordinance 13126, 11/23/04 ABC Board Order, 3/19/92, as amended

### INTERPRETATION OF LEGAL AUTHORIZATION:

**Federal:** N/A.

**State:** **Title 26 of the Louisiana Revised Statutes** is the state Alcoholic Beverage Control Law, which regulates all aspects of alcoholic beverages and their manufacture, sale, dispensing, consumption, etc., in the state.

**Local:** **Title 1, § 1:150, of the Code of Ordinances**, provides for the creation of the Alcoholic Beverage Control Board for the purpose of regulating all premises licensed or permitted to sell or serve wine, beer, or liquor and specifies the procedures for the various Board actions, including denial, revocation, or suspension of a liquor permit. **Section 1:152** grants to the ABC Board the authority to levy any fine for certain specified causes, including violation of any ordinance that regulates the sale or distribution or processing of alcoholic beverages or that regulates premises licensed to sell, distribute, or process alcoholic beverages. **Ordinance 12723**, adopted August 27, 2003, is the current **Wine, Beer, and Liquor Ordinance**. This is the ordinance that regulates the sale, dispensing, and consumption of alcoholic beverages. **The ABC Board Order of 3/19/92**, as amended, establishes and sets out the **Fines Schedule** for the imposition and collection of fines and penalties to be assessed against applicants, permit holders, or licensees who are found guilty of violations of the Wine, Beer, and Liquor Ordinance.

### COLLECTION AND TRANSMITTAL OF FUNDS:

**Collector:** Parish Attorney's Office.

**Transmittal:** Deposited daily, with cash receipt form sent to Finance Department–Revenue Division.

### DISTRIBUTION OF PROCEEDS:

Not applicable.

### PAYOR OF FEE:

Any person found guilty by the ABC Board of a violation of the Wine, Beer, and Liquor Ordinance may be ordered to pay a fine.

### COMPUTATION OF FEE:

See the Fines Schedule on file in the Finance Department–Budgeting Division. In addition, if a fine is not paid within the prescribed time, penalties and subpoena costs may be assessed.

### REFUND PROCEDURE, RESTRICTIONS, AND RATE LIMITATIONS:

The maximum fine that may be assessed is \$500.00, except in certain cases of sale of liquor to minors, when there is a mandatory fine of \$750 or \$1,000.

MONTHLY COLLECTIONS WITH CUMULATIVE PERCENTAGES FOR THE LAST FOUR YEARS:

ABC BOARD FINES (CITY)					ACCOUNT NUMBER 001 . . 451300			
MONTH	2001		2002		2003		2004	
	AMOUNT	%	AMOUNT	%	AMOUNT	%	AMOUNT	%
January	650	6.34%	150	1.17%	450	3.73%	500	4.23%
February	3,639	41.86%	4,823	38.83%	4,299	39.32%	4,722	44.15%
March	1,590	57.38%	850	45.46%	1,950	55.46%	1,095	53.41%
April	950	66.66%	0	45.46%	570	60.18%	995	61.82%
May	800	74.47%	3,150	70.06%	150	61.42%	650	67.31%
June	1,366	87.80%	450	73.57%	495	65.52%	750	73.66%
July	850	96.10%	550	77.87%	1,150	75.04%	1,375	85.28%
August	400	100.00%	1,450	89.19%	300	77.52%	141	86.47%
September	0	100.00%	435	92.58%	1,190	87.37%	50	86.90%
October	0	100.00%	800	98.83%	100	88.20%	400	90.28%
November	0	100.00%	0	98.83%	225	90.07%	900	97.89%
December	0	100.00%	150	100.00%	1,200	100.00%	250	100.00%
TOTAL	10,245		12,808		12,079		11,828	

ABC BOARD FINES (PARISH)					ACCOUNT NUMBER 002 . . 451300			
MONTH	2001		2002		2003		2004	
	AMOUNT	%	AMOUNT	%	AMOUNT	%	AMOUNT	%
January	550	5.24%	725	5.24%	675	9.70%	150	1.89%
February	1,834	30.97%	3,562	30.97%	3,352	57.84%	1,280	18.04%
March	1,022	34.04%	425	34.04%	400	63.59%	700	26.87%
April	0	41.23%	995	41.23%	200	66.46%	250	30.03%
May	20	48.09%	950	48.09%	450	72.92%	0	30.03%
June	950	67.60%	2,700	67.60%	450	79.39%	895	41.32%
July	510	75.91%	1,150	75.91%	600	88.01%	25	41.64%
August	550	85.01%	1,260	85.01%	400	93.75%	100	42.90%
September	5,150	90.25%	725	90.25%	100	95.19%	276	46.38%
October	1,950	95.67%	750	95.67%	185	97.85%	2,050	72.24%
November	2,200	97.47%	250	97.47%	0	97.85%	750	81.71%
December	2,500	100.00%	350	100.00%	150	100.00%	1,450	100.00%
TOTAL	17,236		13,842		6,962		7,926	
COMBINED	27,481	-3.02%	26,650	-28.55%	19,041	0.00%	19,754	3.74%

NOTE: ABC officials say that the main reason for the increase in 2001 is that this division had more employees, and it had secured grants for overtime so that they could work more hours.

The main reason for the decrease in 2003 is that there were fewer arrests for violations of the Wine, Beer, and Liquor Ordinance.

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