

**GENERAL GUIDELINES
OF THE STANDING COMMITTEE TO EVALUATE REQUESTS
FOR COURT COSTS AND FEES**

1. **Purpose and Scope.** The following Guidelines are for use by the Judicial Council to guide the court cost and fee review process pursuant to R.S. 13:62 (Act 245 of the 2011 Regular Legislative Session).

2. **Definitions.** For the purpose and scope of these Guidelines, the terms below shall have the following meanings:

(a) *“Court cost”* means a specific charge or cost, or a range of specific charges or costs, or a specific percentage of an amount of costs, or a limit of an amount of cost that is used to defray the operational costs of courts and the court-related operational costs of law enforcement, clerks of court, district attorneys, the indigent defense system, state and local probation and parole functions, and other court-related functions, and that has been authorized by state law and levied by a court to be collected from a person convicted of, or pleading guilty to, or forfeiting a bond with respect to certain specified crimes or pre-delinquent and delinquent acts.

(b) *“Court-related operational costs”* means those operational costs that are in direct support of the pre-adjudicative, adjudicative, and post-adjudicative functions of a court, including but not limited to: training; data sharing; law enforcement service of process; court reporting; pro se assistance; certain treatment programs sponsored or closely affiliated with the courts; bailiff services; short-term detention; probation legal representation; prosecution; legal research; court-related technologies; informal adjudicative programs such as diversion, alternative dispute resolution, restorative justice, pre-trial and such other programs that are either sponsored by or closely affiliated with the courts.

(c) *“Courts”* means the supreme court, courts of appeal, district courts, the juvenile and family courts, the city, parish, municipal, and traffic courts.

(d) *“Fee”* means a charge or cost or a range of specific charges or costs, or a specific percentage of an amount of costs, or a limit of an amount of cost that is used to defray the operational costs of the courts or the court-related operational costs of the clerks of court or other court-related functions, and that has been authorized by state law to be collected from a person either filing a document in any civil or criminal proceeding with the clerk of court, appearing in a civil matter before a court, failing to fulfill a condition of release, or meeting a condition of probation or other court order.

(e) *“The Standing Committee to Evaluate Requests for Court Costs and Fees”, hereinafter referred to as the “Court Cost Committee”, or the “Committee”* means that information-gathering and advisory arm of the Judicial Council created to develop and apply guidelines for evaluating requests for new court costs and fees or increases in existing court

costs and fees prior to the submission of such requests to the legislature, and to report the Committee's findings and recommendations to the Judicial Council.

3. **Included Costs and Charges.** For the purposes of these Guidelines, the costs and charges to be reviewed and evaluated by the Judicial Council include court costs and fees as herein defined. These court costs and fees also include any cost or charge for which state legislation is being sought to modify an existing cost or charge currently set exclusively by court rule or local ordinance, and any cost or charge currently authorized by state law as to specific amount, range of amount, or a percentage of an amount, or limit of amount for which new legislation is being sought to eliminate any specificity as to amount and thus to allow the court or other entity to set the rates or amounts.

4. **Excluded Costs and Charges.** For the purposes of these Guidelines, the terms “court cost” and “fee” do not include:

- Fines or other monetary criminal or civil penalties that are authorized by law to be imposed on offenders upon their admission of guilt or upon conviction;
- Court proceeding costs not specified by state law as to amount, range of amount, percentage of amount, or limits of amount but left to a judge to determine and set as a means of defraying in whole or in part the cost of a specific litigation;
- Non-judicial costs and fees not having any direct relationship with a court proceeding that are authorized by law to be assessed and collected by an executive department or agency of government, e.g. fees and costs assessed and collected by health, environmental, general governmental, correctional, and other agencies of the executive branch;
- Asset sales or property forfeitures;
- Costs or charges paid by one governmental body to another whether involving courts or not;
- Court reporter fees and costs that are not specified by law or court rule as to amount, range of amount, or limit of amount but are determined and assessed by a court as part of the court cost of a specific proceeding;
- Fees and court costs enacted by local ordinance and not authorized by state law, except in the case of those fees and court costs enacted by ordinance for which state legislation is being sought to set an amount, or a range of amount, or a percentage of an amount, or a limit of an amount;
- Other Court-related Fees, Costs, and Charges that are not specified by state law as to amount, range of amount, percentage of amount, or limit of amount, except in the case of those court-related and court-specified fees, costs, and charges for which new state legislation is being sought to set an amount, or a range of amount, or a percentage of an amount, or a limit of an amount.

5. **Eligible Requests.** The Judicial Council shall consider any request for a new court cost or fee or an increase in an existing court cost or fee provided the request is timely submitted.

6. **Deadline for Submission of Requests.** The deadline for the receipt of requests shall be January 15th of the calendar year in which the proposal is intended to be introduced in the legislature.

7. **Analysis of Requests.** On the basis of the information provided on the Application Form and from such other information that may be gathered, the Court Cost Committee shall analyze whether the proposed court cost or fee is reasonably related to the operation of the court system. This analysis shall turn generally on whether revenues generated from the imposition of the proposed cost or fee will be used:

- to support a court or the court system or help defray the court-related operational costs of other agencies, or;
- to support an activity in which there is a reasonable relationship between the fee or court cost imposed and the costs of the administration of justice.

8. **Committee Reporting.** Upon completion of the analyses described above, the Committee shall vote favorably or unfavorably on each request. The Committee shall then present its findings and recommendations, and any withdrawn requests, at the next meeting of the Judicial Council in which the Council is expected to receive and consider the Committee's recommendations. A summary of the report of the Committee shall be provided in the minutes of each meeting of the Council. In the event that a meeting of the Judicial Council is cancelled due to the withdrawal of a request for a new court cost or fee, the Committee shall provide a report on the withdrawal at the next meeting of the Council.

9. **Voting by Ballot.** Members of the Judicial Council may vote on the ballot sheets provided at each meeting for or against a request for a new court cost or fee, or may vote to abstain or to be recused from voting. The results of such balloting shall be read by the secretary and reported as favorably or unfavorably considered. The individual vote of each member, for or against or to abstain or to be recused, shall be recorded in the minutes of the Judicial Council.

10. **Recusal.** Any member of the Court Cost Committee or any member of the Judicial Council who is a member of the intended recipient for which a new court cost or fee has been requested or who may have a personal, family, or financial interest in the new court cost or fee, shall recuse him-or-herself from voting on the request, and shall note for the record the recusal and the factual basis therefor.

11. **Advocacy and Lobbying.** An advocate for or against a new court cost or fee is encouraged to make his position known to each member of the Committee and the Council in writing. However, the advocate shall not contact any Committee or Council member in person or by phone. Any member of the Committee or the Council who is so contacted shall disclose the contact at all meetings in which the action shall be considered and such disclosure shall be reported in the minutes of the Judicial Council.

12. **Quorum.** A quorum of a majority of members is necessary to vote on all official actions of the Council.

13. **Emergency Situations.** In emergency situations or in other circumstances deemed necessary, the Chair of the Council may, in his discretion, authorize the use of mail-in or electronically transmitted ballots to allow or facilitate voting on matters before the Council.

14. **Chronology of Key Events.** The timetable of the key events of the process of review and comment on new court costs and fees shall be:

January 15 th of each year	Deadline for submission of proposals
January - February	Committee hearing on proposals and completion of review by Committee
February or March	Judicial Council meeting
March 15 th of each year	Judicial Council submits recommendations to legislature