

DEBT FREE JUSTICE FOR LOUISIANA'S YOUTH

IMPLEMENTATION OF
ACT 123 (2021)



PREPARED BY

Berkeley
Law

Policy
Advocacy Clinic

MAY 2023

Executive Summary

All young people deserve the opportunity to learn from their mistakes, heal, and thrive. Yet the lasting collateral consequences that youth face when they are ordered to pay fees and other costs in the juvenile system severely limit their opportunities for emotional and financial stability, particularly as they enter adulthood. Fortunately, over the last few years, a growing number of states and localities have taken action to reduce these consequences and put young people on a more restorative path.

In June of 2021, Louisiana became the first state in the South to end assessments of all administrative fees, costs, and taxes in the juvenile legal system against youth and their families. Prior to the passage of Act 123, youth and families paid hundreds to thousands of dollars for juvenile system fees and costs, which operated as a regressive tax. This practice created severe and long-lasting economic and emotional harm for youth and families. Families faced not only the upfront costs of debt assessments but also the collateral consequences stemming from fees,^[1] and the inescapable cycle of re-adjudication that undermines our communities' efforts at rehabilitation and public safety. Despite such detrimental effects, the juvenile system recouped only marginal revenue, at times spending more tax dollars on collection measures than it received.


Act 123 repealed the authority to assess 16 fees or costs against youth and their families and is effective through June 30th, 2026. The bill did not impact fines or restitution.^[2] Since the implementation of Act 123, youth and families have been relieved of hundreds of thousands of dollars each year in fee debt. No localities or judicial districts have reported significant losses in revenue, and the revenue reductions incurred by the Office of Juvenile Justice (“OJJ”)—the largest entity responsible for fee and cost collections—have not compromised the agency’s appropriation authority.^[3] The vast majority of the state’s 64 parishes are compliant with Act 123. Only 12 have failed to comply or provide adequate data. However, some of these non-compliant parishes have issued refunds for unlawful assessments occurring after Act 123 went into effect.

Based on the state of implementation for Act 123, we recommend that parishes and judicial districts continue to track and publish their budgetary data for revenue and losses, particularly as it relates to monetary sanctions against young people. Additionally, parish courts and judicial districts should exercise all statutory discretion to voluntarily end assessments of fines and cease collection efforts or vacate outstanding debts for all monetary sanctions. Within the Legislature, the sunset clause must be repealed to extend the effective date of Act 123 indefinitely, and new legislation should be introduced to repeal authority for the assessment of juvenile fines. Moving forward, all government parties should continue to embrace policies that eliminate the use of monetary sanctions to ensure the most rehabilitative outcomes for youth, enhance public safety, and end regressive and racially discriminatory practices.

Background

Before Act 123 was enacted, Louisiana law authorized juvenile courts and the Louisiana Office of Juvenile Justice to assess fees, costs, and taxes for representation by public defenders, probation, incarceration, administration by the court, payment plans, court-ordered services, diversion programs, supervision, and ankle monitors.^[4] These costs were framed as reimbursement to the state for the services provided to youth in the delinquency system. However, their assessment compounded financial harm for low-income families, created high administrative costs, and served as an unsustainable and inequitable source of revenue for the juvenile court system.

Juvenile administrative fees and costs operated, in practice, as an additional and regressive tax for families who are already taxed to fund juvenile courts and youth jails and prisons. Although required under state law, courts rarely conducted lawful ability-to-pay assessments. One judge even noted that the court determined a family's ability to pay based on their physical appearance or belongings, such as "whenever a mother appeared to have a nice handbag," rather than documented financial standing. When youth and their families did not pay fees and costs, they faced contempt of court sanctions, additional fines, incarceration, extended supervision, and/or prolonged probation, perpetually trapping them in the system. Other consequences for youth and families included income or tax refund garnishment, property liens, civil actions or judgments, claims against their assets and estates, lasting debt, and irreparable damage to credit scores, all of which forced youth and families into further impoverishment.



Fees, costs, and taxes faced by young people in Louisiana ranged from tens to thousands of dollars, forcing families to choose between paying their court fees or paying for necessities like housing, food, utilities, clothing, transportation, and medical expenses. In 2020, the Office of Juvenile Justice (OJJ) charged families \$1,500 for each month a young person was detained—nearly twice the cost of fair market rent for a two-bedroom home in Louisiana.^[5] Criminologists have also found that the assessment of fees can increase the chances that a young person ends up back in the system, undermining youth rehabilitation and public safety.^[6]

Despite the severe harm caused by fees, costs, and taxes, the juvenile system recouped only marginal revenue, at times spending more on collection measures than it received. For example, prior to voluntarily eliminating all discretionary fees in 2018, the Orleans Parish Juvenile Court reported that juvenile fees had a negligible impact on the court's bottom line, accounting for just 0.5% —or \$1,954 of the court's \$41 million in revenue.^[7] While juvenile courts assessed fees, costs, and taxes, the sheriff's office, OJJ, the Office of Debt Recovery (ODR), or other entities outside of the courts pursued collections against families. Even for entities that managed to recoup net revenue, such as OJJ, many of the costs associated with the use of external collection agencies remained uncaptured in their estimates.

Scope and Frequency of Fees, Costs, and Taxes

Prior to the enactment of Act 123, assessments of administrative fees, costs, and taxes in juvenile courts were varied and inconsistent across jurisdictions, creating vast discrepancies in juvenile system outcomes based on geography rather than case characteristics. While some families would leave court owing thousands of dollars on top of disposition orders, families in the next parish over could focus exclusively on the rehabilitation of their children, without the imposition of additional financial insecurity on their family.

Youth under the supervision or custody of OJJ were assessed the same supervision and cost-of-care fees regardless of their home parish. Between 2017 and 2020, OJJ charged an average of 785 supervision fees each year, with each fee capped at \$100.^[8] During that same time, OJJ charged an average of 435 care fees annually, which were billed at \$1,500 a month and had no upper limit.^[9]

Table 1: The Office of Juvenile Justice Fee Assessments and Collections 2017-2020

	FY 2017	FY 2018	FY 2019	FY 2020	Average
Care Fees (Secure & Non-Secure)					
Number of accounts collected on	396	602	447*	296	435
Amount collected	\$166,675	\$403,581*	\$350,108	\$411,996	\$333,090
Supervision Fees					
Number of accounts collected on	586	1084	919*	551	785
Amount collected	\$72,936	\$153,401	\$93,805*	\$83,112	\$100,814

*Median

Before the enactment of Act 123, thousands of families in Louisiana received bills, sometimes in the tens of thousands of dollars, each year. Within OJJ, the average collections per account, relative to fees assessed, between 2010 and 2018 ranged between \$27 and \$51, depending on the fee type.^[10] The collection rates of these fees demonstrate that families' resources are limited, regardless of how much is assessed, and that lower fee amounts are more likely to be paid. Because the vast majority of families with youth in the system are low-income, only 6% of cost of care fees were collected in 2018.^[11]

Table 2: Average Fee Collection Rates from the Office of Juvenile Justice 2014-2018

	Average Assessment:	Average Collection:	Collection Rate
Non-Secure Care Fees	\$674.97	\$51.45	7.6%
Secure Care Fees	\$889.38	\$43.33	4.8%
Supervision Fees	\$96.11	\$26.68	27.8%

In 2021, then-Representative Royce Duplessis introduced House Bill 216 (HB 216) to repeal local and state authority to assess fees, costs, and taxes in the juvenile system in Louisiana.^[12] Governor John Bel Edwards signed Act 123 into law on June 6, 2021.^[13] A coalition of advocates and community-based organizations including Ubuntu Village NOLA (Ubuntu), Louisiana Center for Children's Rights (LCCR), Stand for Children Louisiana (Stand), and the Policy Advocacy Clinic at Berkeley Law (PAC) helped to incorporate input from directly impacted youth and families into the legislation, conducted research, canvassed, and mobilized community support for HB 216. The bill went into effect on July 1, 2021, but contains a sunset provision rendering the bill ineffective after June 30, 2026, at the request of Senator Cameron Henry (R- Lafayette).

House Bill 216 (2021): Repeals Authority to Assess the Following Fees, Costs, and Taxes:

Fee, Cost, or Tax Type	Louisiana Children's Code Section
Record Preparation or Transcript Fees	Article 335
Court Curator or Witness Fees	Article 405
Fees for Counsel	Articles 607, 809, 848
Physical or Mental Exam Costs	Articles 774, 888
Probation or Parole Supervision Fees	Articles 781.1, 899
Early Intervention Fund Tax	Article 793.4
Special Traffic Costs	Article 811.2
Diversion or Informal Adjustment Fees	Article 839
Costs for Medical Treatment Ordered	Article 868
Teen Court Program Fees	Article 896



Advocates from Ubuntu Village Nola and LCCR join OJJ Deputy Secretary Sommers and Governor John Bel Edwards in the signing of Act 123 on June 10th, 2021

Act 123 is clear in its application to all fees, costs, and taxes in delinquency proceedings, but does not apply to fines or restitution. It reads:

“No court exercising juvenile jurisdiction in any parish in the state of Louisiana shall tax or assess costs in a juvenile delinquency proceeding against any juvenile delinquent or defendant, or the parents or guardians of the juvenile delinquent or defendant, for any judicial expenses or to cover any operating expenses of the court...The provisions of this Act shall not be applicable to the enforcement of fines or restitution in juvenile delinquency cases.”^[14]

Implementation

Methods

To analyze the implementation of Act 123, Ubuntu sent out a series of public record requests to each of the 64 parishes and met with the leaders of OJJ and Orleans Parish Juvenile Court. Ubuntu also distributed notices and know-your-rights materials within OJJ facilities and directly to public defenders, youth, and families, including through email, social media, and outreach events.

Ubuntu received responses from all 64 parishes either directly or via the clerk of the related judicial district court. Of those 64 responses, only ten were deemed unconfirmed (needed clarification or verification), and only two were incomplete.

There are limitations in evaluating implementation and compliance with this new law, however. One clear concern is that this evaluation relies upon jurisdictions to self-report non-compliance, so it is essential that additional verification of parish court or judicial district budgets be reviewed as a secondary implementation measure. Additionally, some of the data provided by the OJJ is conflicting, and the precise fiscal impact of Act 123 remains unclear. Finally, the impact on system-impacted youth and their communities is difficult to evaluate in the short term, and ongoing research must continue to gain a clearer understanding of how the policy has shaped the economic well-being of Louisiana's families, fiscal and administrative operations for jurisdictions, and public safety across the state.

IS YOUR CHILD INVOLVED IN THE JUVENILE COURT SYSTEM?

A NEW LAW HAS ELIMINATED SOME OF THE COSTS YOU CAN BE CHARGED.

YOU CAN NO LONGER BE CHARGED JUVENILE FEES

As of July 1, 2021, you can no longer be charged administrative fees by a juvenile court, probation department, or the Office of Juvenile Justice. This includes, but is not limited to, fees for:

- Detention costs, such as meals while incarcerated
- Court-appointed lawyer
- Electronic monitoring
- Probation &/or home supervision
- Drug testing

YOU CAN STILL BE CHARGED FINES & RESTITUTION

The new law did not eliminate all financial burdens. You can still be charged:

- Fines: imposed for certain offenses
- Restitution: payment for harm or damages

HOW TO PROTECT YOUR RIGHTS

If you were charged juvenile fees **after July 1, 2021** you may be able to get your money back and/or eliminate any remaining charges.

If you think you were charged illegal fees or have questions about a bill you received, please contact Ubuntu Village, a non-profit organization that supports young people in the legal system and their families.

GET IN TOUCH

 **Call or text us**
504-345-8259

 **Send us an email**
ubuntuvillagenola@gmail.com

 **Drop by our office**
2021 South Dupre St.
New Orleans, LA 70125



Know-your-rights pamphlets drafted and distributed by Ubuntu Village NOLA online and in OJJ facilities

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Findings

As of July 1st, 2021, all courts exercising juvenile jurisdiction in any Louisiana parish were prohibited from assessing costs against youth and/or their parents, including supervision fees and care fees previously collected and disbursed by OJJ. Courts were notified of the change by the Louisiana Supreme Court. Compliance has been overwhelmingly positive, with only two parishes reporting non-compliance and making subsequent refunds to families who were unlawfully assessed after July 1st, 2021. Some parishes voluntarily discontinued collections for past debt, and one discontinued the assessment of fines during the bill's implementation.

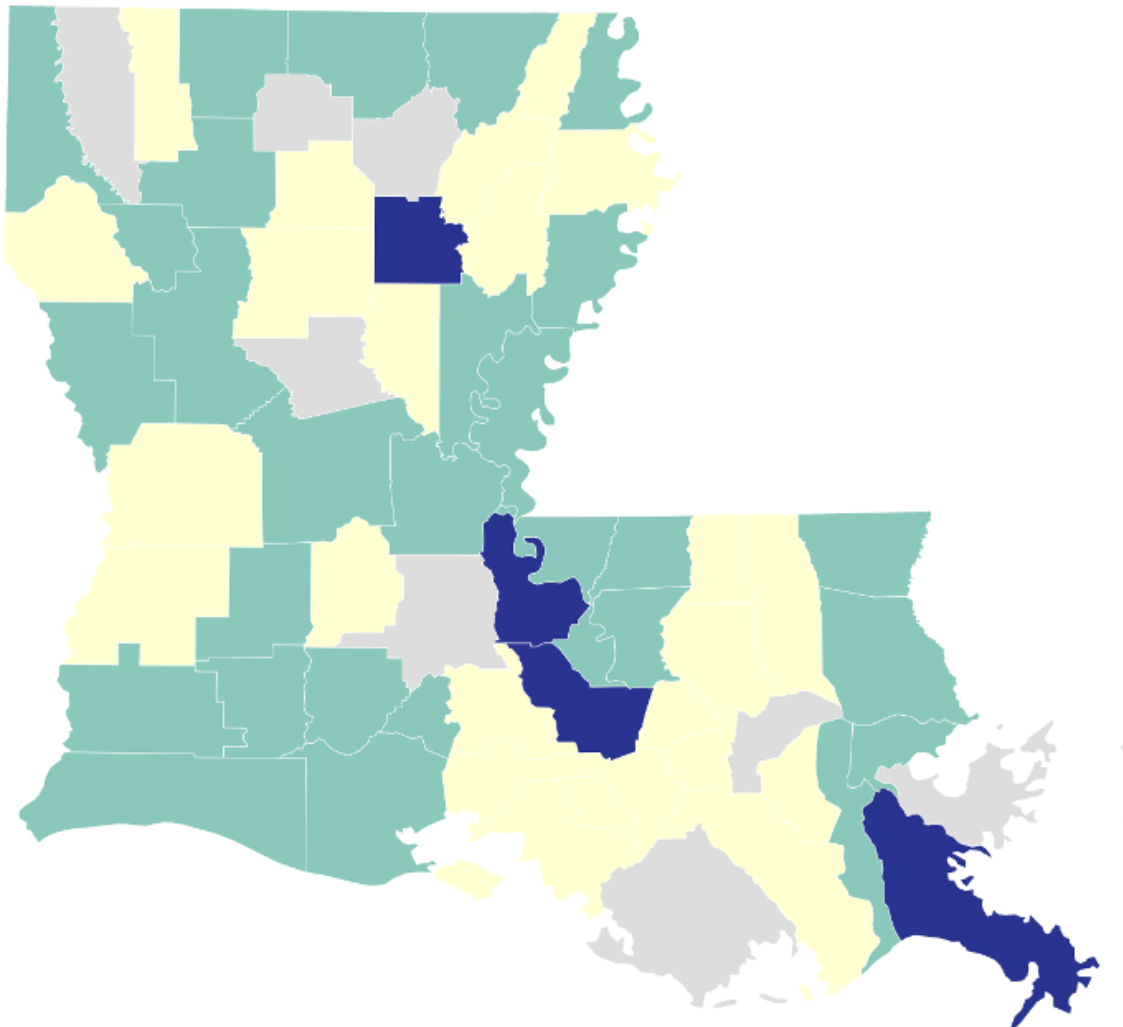


Parishes and Judicial Districts

Act 123 had varied responses and levels of compliance by parishes across Louisiana. Based on Public Records Act (PRA) requests:

- 23 parishes (35.9%) confirmed that the jurisdiction had never previously assessed administrative fees, costs, and taxes to juveniles (Yellow)
- 29 parishes (45.3%) confirmed compliance with the Act, stopping their assessment prior to the bill taking effect (Teal)
- 4 parishes (6.3%) noted non-compliance but provided documentation of refunds for unlawful assessments (Navy)
- Compliance remains unknown or unclear in 8 parishes (12.5%). (Grey)

Act 123: Administrative Fees, Costs, and Taxes in Louisiana's Juvenile System



One notable highlight is the parish of East Baton Rouge. In addition to ending assessments of fees, costs, and taxes, the juvenile court also stopped assessing fines voluntarily. Amounts assessed for restitution and bonds were reduced as well. As the most populous parish in the state, the East Baton Rouge court's implementation strategy reduces collateral consequences for the youth and families before the court and provides ample cost savings in the form of collection cost reductions. Parish judges agreed that "the passage of Act 123 should not be viewed as a financial loss to the Juvenile Court. The Court should take this opportunity to bring awareness to City-Parish that the Court has been piecemealing and leveraging its need through relationships just to get things done."^[17]

Caldwell Parish and three other jurisdictions unlawfully assessed fees, costs, and/or taxes to at least one family, but refunded all the unlawfully gained money that families had paid, demonstrating the importance of implementation efforts in improving compliance processes across the state.^[18]

An example of insufficient implementation is Orleans Parish. Youth and families reported that Orleans Parish Juvenile Court has continued to assess electronic monitoring bonds payable to private third parties.^[19] While Act 123 did not explicitly prohibit fees assessed by third parties, regardless of the assessor, fees can lead to inescapable court-related debt for youth under their jurisdiction and run contrary not only to the intent of Act 123 but prior actions taken by the Juvenile Court in 2018.^[20]

Due to the limitations of the legislation, many parishes continue to issue bonds for electronic monitoring, which require payment of fees to private third parties at a daily rate of \$10 or more.^[21] These parishes also still retain their statutory authority to assess delinquency fines against youth under juvenile jurisdiction and order restitution against youth and their parents in prohibitively high dollar amounts.

The Office of Juvenile Justice

The OJJ has established itself as a champion of Act 123, both in the implementation of the new law, and the realignment of some administrative policies concerning youth and monetary sanctions. Specifically, the OJJ has ceased collections on costs assessed by juvenile courts after July 1, 2021, voluntarily discharged debt for past supervision and care, and willingly shared know-your-rights information with courts, attorneys, and families.^[22]

The fiscal impact of Act 123 on OJJ has reflected the estimations outlined in the fiscal note for HB 216, and OJJ has maintained adequate revenue through vending machine sales and facility rentals.^[23] Specifically, the agency has seen a gross reduction in revenue from former supervision and care fees of approximately \$495,000.^[24] The agency, however, has seen a reduction in expenditures for fee collections and accounting of roughly \$133,000, for a net revenue reduction of approximately \$362,000 annually.^[25]



The impact of relieving \$362,000 in debt has profound and positive external effects on families and communities. Such debt can not only prevent families from meeting their basic needs, but also reduce their spending power in the community and investment in pro-social programs. This relief provided by Act 123 has numerous unquantifiable benefits statewide, and long-term research and analysis of its impact should continue to measure the net social cost-savings to jurisdictions.

Recommendations

Parishes and Judicial Districts

Parish courts and judicial districts should continue to publish and publicly post annual budgets with information regarding any revenue from fees, costs, and taxes as well as other monetary sanctions such as fines and restitution.

Every year, most judicial districts or parish courts publish annual budgets that include actual costs and revenue for the previous year and projections for upcoming years. These budgets usually include items regarding revenue from fees, taxes, and costs to varying degrees of detail. For example, OJJ's budget reported \$92,604 in revenue for FY 23 "from parents for partial reimbursement of the cost of supervising their children on probation and parole, employee meal purchases, vending..."^[26] This could be recycled language from prior budgets, or the revenue represents funds only from meal purchases and seized contraband.

Judicial districts and parish courts should publicly post annual budgets to promote transparency and to ensure that advocates can monitor whether there is ongoing collection of fees, costs, and taxes prohibited under Act 123 and to identify other sanctions that may be harming youth and families.

Parish courts and judicial districts exercising juvenile jurisdiction should voluntarily end assessments of fines, and end collection on and vacate outstanding fees, costs, and taxes.

For the same reasons that the legislature enacted Act 123—to foster youth rehabilitation, enhance public safety, and end regressive and racially discriminatory practices—parish courts and judicial districts should voluntarily end collection and vacate previously charged fees, costs, and taxes that are now prohibited by state law. They should also voluntarily end assessments of new fines against young people and families, cease collection on outstanding fine debts, and vacate outstanding fine debts where possible. Advocates and researchers should investigate the extent of discretion to cease collection efforts and/or discharge such debts and form recommendations for localities accordingly.

The Louisiana Legislature and Governor should enact new laws to remove the sunset clause and vacate outstanding fees, costs, and taxes.

As introduced, HB 216 included language that would have ended the collection of all previously ordered fees, costs, and taxes and would have vacated all outstanding debt. Instead, a sunset clause was added that limited the applicability of this law until June 30, 2026. The final bill also did not include language requiring an end to collection efforts or vacating debt (although OJJ has voluntarily ceased collections on costs assessed by juvenile courts and voluntarily discharged debt for past supervision and care). In the 2024 legislative session, the Louisiana Legislature should pass, and the Governor should sign, legislation remedying these issues.

The Louisiana Legislature and Governor should eliminate juvenile fines on youth and families, and otherwise mitigate the collateral consequences of involvement with the juvenile legal system.

Act 123 has relieved thousands of youths and their families from fees, costs, and taxes since its enactment. However, there are other monetary sanctions that still cause financial hardship for families with youth in the juvenile system. For example, youth may not be assessed fees in juvenile courts, but they may be ordered to pay for electronic monitoring, a service that can cost youth and families hundreds or thousands of dollars in one-time and ongoing fees, payable to private contractors.

East Baton Rouge Parish has already stopped assessing fines and reduced amounts for restitution and bonds. Given the growing body of research that shows that fines and restitution can increase the likelihood that youth end up back in the system, the state can and should follow suit by enacting legislation that would eliminate fines and vacate all associated debt.

Sources

- [1] Obtained through surveys, interviews, and focus groups conducted by Ubuntu Village New Orleans, the Louisiana Center for Children's Rights, and the Policy Advocacy Clinic between 2018 and 2020. On file with authors.
- [2] Fees are variable amounts assessed against youth and families to help recoup costs associated with the system. Fines are fixed penalties, based on the alleged offense charged, that are meant to deter future behavior. Restitution is an amount ordered to compensate a crime survivor for any economic loss or injury they experience.
- [3] La. H. R. Comm. on Appropriations, *Fiscal Year 2023 Executive Budget Review: Youth Services*, Reg. Sess. (Apr. 11, 2023), https://www.house.louisiana.gov/housefiscal/DOCS_APP_BDGT_MEETINGS/DOCS_AppBudgetMeetings2023/FY%2024%20Youth%20Services.pdf.
- [4] La. R.S. 15:910, 47:299.1, 1086, 1093, 1094.7 and 1097.7; La. Ch. Code art. 320, 321, 335, 405, 607, 774, 781.1, 783, 793.4, 809, 811.2, 839, 848, 868, 888, 896, 897, 899, 901.1 and 924; and La. Code Crim. Proc. art. 887.
- [5] *Louisiana Fair Market Rent for 2020*, Rentdata.org, <https://www.rentdata.org/states/louisiana/2020> (last visited May 1, 2023).
- [6] Alex R. Piquero & Wesley C. Jennings, *Research Note: Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, 15 *Youth Violence & Juv. Just.* 3 (2017), <https://journals.sagepub.com/doi/full/10.1177/1541204016669213>.
- [7] Matt Sledge, *New Orleans Becomes First City in South to Axe Court Fees for Delinquent Youths*, nola.com (Aug. 19, 2018, 5:46 PM) https://www.nola.com/news/courts/article_b4589282-30f6-5deb-820f-90530666f22e.html
- [8] [1] Response to Public Record Act Request to the Off. of Juv. Just. re: Collections (Jan. 2019) (on file with authors).
- [9] *Id.*
- [10] *Id.*
- [11] *Id.*
- [12] H. B. 216, 2021 Leg., Reg. Sess. (La. 2021).
- [13] *Id.*
- [14] *Id.*
- [15] See Appendices for a copy of the Public Records Act requests sent.
- [16] See *Juvenile Fees*, Ubuntu Village, <https://ubuntuvillagenola.org/wp-content/uploads/2022/03/Juvenile-Fees-PDF-Parents.pdf> (last visited May 3, 2023).
- [17] East Baton Rouge Parish Juvenile Court, En Banc Judges Meeting (June 25, 2021) (Meeting minutes on file the authors).
- [18] Response to Public Records Act Request from Clerk of Ct. for the 37th Jud. Dist. (2022) (Full response on file with Ubuntu Village).
- [19] Interview with Ernest Johnson (May 2022) (Gathered via focus groups with young people and parents being charged for electronic monitoring in Orleans Parish).
- [20] Orleans Parish Juv. Ct., Standing Policy on Juvenile Administrative Fees (June 20, 2018), <https://finesandfeesjusticecenter.org/content/uploads/2018/12/Orleans-Parish-Juvenile-Fees-2018.07.19.pdf>.

[21] Nick Chrastil, "After Past Troubled Attempts, New Orleans Looks to Set Up New Electronic Monitoring System for Criminal Defendants." The Lens. (Mar 18, 2021), <https://thelensnola.org/2021/03/18/after-past-troubled-attempts-new-orleans-looks-to-set-up-new-electronic-monitoring-system-for-criminal-defendants/>. See *also* Fines & Fees Justice Center, Electronic Monitoring Fees: A 50-State Survey of the Costs Assessed to People on E-Supervision (Sept. 2022), <https://finesandfeesjusticecenter.org/content/uploads/2022/09/FFJC-Electronic-Monitoring-Fees-Survey-2022.pdf>.

[22] Disclosed during a meeting with OJJ personnel and Ernest Johnson and Florence Djoletto of Ubuntu Village on June 7, 2022.

[23] La. Leg. Fiscal Off., Fiscal note re: Court costs – Juveniles (June 9, 2021, 4:59 PM), <https://www.legis.la.gov/legis/ViewDocument.aspx?d=1234055>; see also La. H. R. Comm. on Appropriations, *supra* note 3.

[24] *Id.*

[25] *Id.*

[26] La. H. R. Comm. on Appropriations, *supra* note 3.

Appendices

A. Louisiana Act 123 (2021)

B. Request for Public Records Template

C. Act 123 (2021) Public Records Response Index

A. Louisiana Act 123 (2021)

ENROLLED

2021 Regular Session

ACT No. 123

HOUSE BILL NO. 216

BY REPRESENTATIVE DUPLESSIS

1 AN ACT
2 To enact R.S. 13:1595.3(C), relative to court fees; to temporarily suspend all juvenile court
3 fees, costs, and taxes associated with juvenile delinquency cases; and to provide for
4 related matters.
5 Be it enacted by the Legislature of Louisiana:
6 Section 1. R.S. 13:1595.3(C) is hereby enacted to read as follows:
7 §1595.3. Fees; enumeration
8 * * *
9 C. Notwithstanding any other provision of law to the contrary, from July 1,
10 2021, until June 30, 2026, no court exercising juvenile jurisdiction in any parish in
11 the state of Louisiana shall tax or assess costs in a juvenile delinquency proceeding
12 against any juvenile delinquent or defendant, or the parents or guardians of the
13 juvenile delinquent or defendant, for any judicial expenses or to cover any operating
14 expenses of the court; including but not limited to any salaries of court personnel, the
15 establishment or maintenance of a law library for the court, or the purchase or
16 maintenance of any type of equipment or supplies, provided by R.S. 15:910, 1086,
17 1093, 1094.7 and 1097.7, R.S. 47:299.1, Children's Code Articles 320, 321, 335,
18 405, 607, 774, 781.1, 783, 793.4, 809, 811.2, 839, 848, 868, 888, 896, 897, 899,
19 901.1, and 924, and Code of Criminal Procedure Article 887.
20 Section 2. The provisions of this Act shall not be applicable to the enforcement of
21 fines or restitution in juvenile delinquency cases.
22 Section 3. The Louisiana Supreme Court shall distribute copies of this Act to all
23 Louisiana courts no later than July 1, 2021.

1 Section 4. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

B. Request for Public Records Template

Re: Requesting Data Act 123 Implementation

Dear (XX) Court Administrative Officer:

I am writing on behalf of Ubuntu Village New Orleans to request a copy of the records detailed below, pursuant to the Public Records Act of Louisiana, R.S. 44:1, *et seq.*

Effective July 1, 2021, no court exercising juvenile jurisdiction may tax or assess costs against the child, parents, or guardians in delinquency proceedings. We are aware that your jurisdiction has received a notification from the Louisiana Supreme Court regarding these changes, but we are requesting the below records as part of our research into how Louisiana parishes are implementing Act 123.

For the purposes of this request, “costs” do not include fines or restitution, but do include any assessment to cover any operating expenses of the court, including but not limited to, any salaries of the court personnel, the establishment or maintenance of a law library for the court, or the purchase or maintenance of any type of equipment or supplies provided by R.S. 15:910, 1086, 1093, 1094.7 and 1097.7, R.S. 47:299.1, Children’s Code Articles 320, 321, 335, 405, 607, 774, 781.1, 783, 793.4, 809, 811.2, 839, 848, 868, 888, 896, 897, 899, 901.1, and 924, and Code of Criminal Procedures Article 887. The types of costs included in these articles include, but are not limited to:

- Record preparation fees
- Transcript for appeal fees
- Court curator fees
- Witness fees
- Fees for counsel
- Physical examination costs
- Mental examination costs
- Probation or parole supervision fees
- Traffic violation taxes
- Diversion or informal adjustment fees
- Costs for medical treatment ordered
- Teen court program fees
- Other special costs

We are requesting records that document the court’s compliance with Act 123 as of **July 1st, 2021**. Please provide records relating to:

1. ASSESSMENT: The last day the court stopped assessing costs in delinquency proceedings, including the list of costs assessed, and the rate (dollar amount per day, month, unit, etc.) per type of cost prior to the date the court stopped assessment.

2. COLLECTION: Documentation or explanation of the court's collection policies for the costs described above.

3. NOTICE: Redacted copies or samples of any notices provided to individuals about Act 123 and the relief provided under the new law.

4. ACT 123: Any additional documentation or correspondence that demonstrates the court's implementation of the changes in the assessment of costs in delinquency proceedings as provided by Act 123.

To be clear, we are not requesting personally identifying information for any individual or cases. If specific portions of any documents are exempt from disclosure, please provide the non-exempt portions.

To the extent possible, please note which records relate to which requests according to the numbered sections above. To the extent that you are aware of records that may be directly related or relevant to this request, but which we do not specifically describe, we ask that you provide these records in addition to the records specifically requested above. If you maintain any of these records in electronic format, please provide all requested documents in one of the following electronic formats: .xlsx, .xls, .csv, .pdf, .doc, or .docx.

Please acknowledge receipt of this request and respond within ten (10) days, either by providing all the requested records or by providing a written response setting forth the legal authority for withholding or redacting any document and stating when the documents will be made available.

If I can provide any clarification that will help identify responsive documents or focus this request, please contact me by email at [EMAIL]

Thank you for your time and attention to this matter.

Sincerely,

[name]

C. Act 123 (2021) Public Records Response Index

	Parish	Status	Map Key	Confirmation Method
1.	Acadia	Compliant- stopped before 7/1/21	Teal	Phone call
2.	Allen	Compliant- stopped before 7/1/21	Teal	PRA
3.	Ascension	Never assessed	Yellow	PRA
4.	Assumption	Never assessed	Yellow	PRA
5.	Avoyelles	Compliant- stopped before 7/1/21	Teal	PRA
6.	Beauregard	Never assessed	Yellow	PRA
7.	Bienville	Compliant- stopped before 7/1/21	Teal	PRA
8.	Bossier	Unknown- collected by sheriff's office	Grey	PRA
9.	Caddo	Compliant- stopped before 7/1/21	Teal	PRA
10.	Calcasieu	Unknown- but evidence that parish stopped before 7/1/21	Teal	Meeting w/ Bill Sommers
11.	Caldwell	Non-compliance. 1 case, refunded	Navy	PRA
12.	Cameron	Compliant- stopped before 7/1/21	Teal	PRA
13.	Catahoula	Compliant- stopped before 7/1/21	Teal	PRA
14.	Claiborne	Does not assess	Teal	Phone call
15.	Concordia	Compliant- stopped before 7/1/21	Teal	PRA
16.	DeSoto	Has never assessed fees	Yellow	PRA
17.	East Baton Rouge	Compliant- stopped before 7/1/21.	Teal	PRA
18.	East Carroll	Compliant- stopped before 7/1/21 but sent blank template.	Teal	PRA
19.	East Feliciana	Compliant- stopped before 7/1/21	Teal	PRA
20.	Evangeline	Never assessed	Yellow	PRA

21.	Franklin	Has never assessed fees—referred to juvenile office	Yellow	
22.	Grant	Unknown	Grey	
23.	Iberia	Compliant- stopped before 7/1/21. May not have ever assessed.	Yellow	PRA
24.	Iberville	1 fee for 1 juvenile after July 1	Navy	PRA-WBR 18 th District
25.	Jackson	Never assessed	Yellow	PRA
26.	Jefferson	Compliant- stopped before 7/1/21	Teal	PRA
27.	Jefferson Davis	Compliant- stopped before 7/1/21	Teal	PRA
28.	Lafayette	Compliant- stopped before 7/1/21 except appellate filing fees	Teal	PRA
29.	Lafourche	Never assessed	Yellow	PRA
30.	LaSalle	Compliant- stopped before 7/1/21 but seems never assessed,	Yellow	PRA
31.	Lincoln	Unknown	Grey	
32.	Livingston	Has never assessed fees	Yellow	PRA
33.	Madison	Compliant- stopped before 7/1/21 but likely never assessed.	Yellow	PRA
34.	Morehouse	Compliant- stopped before 7/1/21	Teal	PRA
35.	Natchitoches	Compliant- stopped before 7/1/21 and likely never assessed	Teal	Phone call
36.	Orleans	Stopped prior to July 1	Teal	Client/parents/judicial policy
37.	Ouachita	Unknown	Grey	
38.	Plaquemines	Unlawfully assessed. Refunding unknown.	Navy	PRA

39.	Pointe Coupee	1 fee for 1 juvenile after July 1 in Iberville (same district)	Navy	PRA Iberville
40.	Rapides	Compliant- stopped before 7/1/21	Teal	PRA
41.	Red River	Compliant- stopped before 7/1/21	Teal	PRA
42.	Richland	Never assessed	Yellow	PRA
43.	Sabine	Compliant- stopped before 7/1/21	Teal	PRA
44.	St. Bernard	Unclear—not assessed by them	Grey	PRA
45.	St. Charles	Never assessed	Yellow	PRA
46.	St. Helena	Never assessed	Yellow	PRA
47.	St. James	Never assessed	Yellow	PRA
48.	St. John the Baptist	Unknown- Blank response.	Grey	
49.	St. Landry	Unclear but clerk has no record.	Grey	
50.	St. Martin	Never assessed	Yellow	PRA St. Mary
51.	St. Mary	Never assessed	Yellow	PRA
52.	St. Tammany	Compliant- stopped before 7/1/21	Teal	PRA
53.	Tangipahoa	Never assessed	Yellow	PRA
54.	Tensas	Compliant- stopped before 7/1/21	Teal	PRA
55.	Terrebonne	Unknown	Grey	PRA email response