

2020 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 2

BY REPRESENTATIVE MAGEE

CRIMINAL/JUSTICE: Suspends certain provisions of the Code of Criminal Procedure relative to financial obligations of criminal offenders

1 A CONCURRENT RESOLUTION

2 To suspend until August 1, 2021, the provisions of Code of Criminal Procedure Article
3 875.1, relative to the financial obligations of criminal offenders and the court's
4 authority to take certain actions when the offender is unable to pay financial
5 obligations associated with the offense including court costs, fines, fees, and
6 restitution.

7 WHEREAS, certain provisions of law relative to the financial obligations of criminal
8 offenders were amended and reenacted by Act No. 260 of the 2017 Regular Session of the
9 Legislature with an effective date of August 1, 2018; and

10 WHEREAS, in the 2018 Regular Session of the Legislature, Act Nos. 137 and 668
11 delayed the effective date of Act No. 260 of the 2017 Regular Session of the Legislature
12 until August 1, 2019, due to concerns regarding the financial impact of these changes on the
13 Louisiana criminal justice system; and

14 WHEREAS, in addition to delaying the effective date, Act No. 668 of the 2018
15 Regular Session of the Legislature made substantive changes to certain provisions in Act No.
16 260 of the 2017 Regular Session of the Legislature, including Code of Criminal Procedure
17 Article 875.1, with such changes set to become effective on August 1, 2019, which is the
18 same date that the other provisions in Act No. 260 of the 2017 Regular Session of the
19 Legislature were set to become effective; and

20 WHEREAS, in the 2019 Regular Session of the Legislature, Act No. 253 further
21 delayed the effective date of Act No. 260 of the 2017 Regular Session of the Legislature to

1 August 1, 2021, but inadvertently did not amend the effective date of the changes made to
2 Code of Criminal Procedure Article 875.1 by Act No. 668 of the 2018 Regular Session of
3 the Legislature, and those changes went into effect on August 1, 2019; and

4 WHEREAS, it was and is the intent of the Louisiana Legislature that the effective
5 date of the changes made to Code of Criminal Procedure Article 875.1 by Act No. 668 of
6 the 2018 Regular Session of the Legislature coincide with the effective date of the changes
7 made to the remaining provisions of Act No. 260 of the 2017 Regular Session of the
8 Legislature, with the exception of Code of Criminal Procedure Articles 883.1 and 894.4
9 which became effective August 1, 2019.

10 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends
11 the provisions of Code of Criminal Procedure Article 875.1, relative to the financial
12 obligations of criminal offenders and the court's authority to take certain actions when the
13 offender is unable to pay the financial obligations associated with the offense.

14 BE IT FURTHER RESOLVED that this suspension shall become effective upon
15 adoption of this Resolution and shall extend through August 1, 2021.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 2 Original

2020 Regular Session

Magee

Suspends until Aug. 1, 2021, the provisions of Code of Criminal Procedure Article 875.1, relative to the financial obligations of criminal offenders and the court's authority to take certain actions when the offender is unable to pay the financial obligations associated with the offense.

(Suspends C.Cr.P. Art. 875.1)