

ACT No. 53

2017 Regular Session

HOUSE BILL NO. 286

BY REPRESENTATIVE SMITH

1 AN ACT

2 To amend and reenact R.S. 15:574.4.2(C) and R.S. 46:1807(B)(1), (3), and (5) and
3 1816(B)(5) and (C)(1) and to enact R.S. 46:1806(F), 1809(D), and 1816(C)(3),
4 relative to restitution as a condition of parole; to provide for the payment of
5 restitution to the Crime Victims Reparations Fund in certain cases; to provide for
6 recovery by the victim of restitution payments directed to the Crime Victims
7 Reparations Fund; to provide relative to the duties of the Crime Victims Reparations
8 Board; to provide relative to the source and use of funds in the Crime Victims
9 Reparations Fund; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 15:574.4.2(C) is hereby amended and reenacted to read as follows:
12 §574.4.2. Decisions of committee on parole; nature, order, and conditions of parole;
13 rules of conduct; infectious disease testing

14 * * *

15 C.(1)(a) When a victim of the crime for which parole is being considered has
16 suffered a direct pecuniary loss other than damage to or loss of property, the parole
17 committee may impose as a condition of parole that ~~restitutions~~ restitution be made
18 to the victim ~~be made~~. When such a condition is imposed, the committee shall ~~take~~
19 ~~into account~~ consider the defendant's ability to pay and shall not revoke parole based
20 upon this condition unless the parolee has willfully failed to comply. When the
21 victim's loss consists of damage to or loss of property, the committee shall impose
22 as a condition of parole payment of restitution, either in a lump sum or in monthly

1 installments based on the earning capacity and assets of the defendant. If the victim
2 was paid for such property loss or damage with monies from the Crime Victims
3 Reparations Fund, the committee shall order the parolee to make such payments as
4 reimbursement to the fund in the same amount as was paid from the fund to the
5 victim. This condition of parole shall continue until such time as the restitution is
6 paid or the parolee is discharged from parole in accordance with R.S. 15:574.6.

7 (b) If restitution to the victim is ordered as a condition of parole in
8 accordance with the provisions of this Subsection and the victim cannot be located
9 by the probation and parole officer within one year after the condition is imposed,
10 the defendant shall direct the restitution payments to the Crime Victims Reparations
11 Fund as provided for in R.S. 46:1816.

12 (2) Nothing ~~herein~~ in this Subsection shall affect a victim's civil remedy
13 except that funds actually received shall be credited to any civil judgment arising out
14 of the same offense.

15 * * *

16 Section 2. R.S. 46:1807(B)(1), (3), and (5) and 1816(B)(5) and (C)(1) are hereby
17 amended and reenacted and R.S. 46:1806(F), 1809(D), and 1816(C)(3) are hereby enacted
18 to read as follows:

19 §1806. Application; requirements; confidentiality

20 * * *

21 F. A victim who was owed restitution as a condition of an offender's parole
22 pursuant to R.S. 15:574.4.2(C)(1)(a) but whose restitution payments were directed
23 to the Crime Victims Reparations Fund pursuant to R.S. 15:574.4.2(C)(1)(b) may file
24 an application for recovery of the restitution in a written format developed by the
25 board.

26 §1807. Powers and duties of board; staff

27 * * *

28 B. In the performance of its powers and duties the board shall:

29 (1) Prescribe, distribute, and otherwise make available forms for use in
30 making application for reparations and, where appropriate, recovery of restitution

1 funds directed to the Crime Victims Reparations Fund pursuant to R.S.
2 15:574.4.2(C)(1)(b).

3 * * *

4 (3) Receive, verify, and process applications for reparations and, where
5 appropriate, recovery of restitution funds directed to the Crime Victims Reparations
6 Fund pursuant to R.S. 15:574.4.2(C)(1)(b).

7 * * *

8 (5) Make a written decision with respect to each application received by it
9 and order payment of reparations or, where appropriate, recovery of restitution funds
10 to victims in accordance with this Chapter.

11 * * *

12 §1809. Criteria for making awards; prohibitions; authority to deny or reduce awards

13 * * *

14 D.(1) When a victim applies for the recovery of restitution pursuant to R.S.
15 46:1806(F) the board shall order the payment of the restitution to the victim if all of
16 the following conditions apply:

17 (a) The board determines that an offender was ordered to pay restitution to
18 the victim as a condition of the offender's release on parole pursuant to R.S.
19 15:574.4.2(C)(1)(a).

20 (b) The restitution payments were directed to the Crime Victims Reparations
21 Fund pursuant to R.S. 15:574.4.2(C)(1)(b).

22 (2) When the board orders payment pursuant to the provisions of Paragraph
23 (1) of this Subsection, the provisions of Subsections A and B of this Section
24 regarding criteria for and determinations of eligibility for reparations and
25 determinations of the amount of reparations do not apply.

26 * * *

27 §1816. Crime Victims Reparations Fund; creation; sources and use of funds

28 * * *

29 B. The fund shall be composed of:

30 * * *

1 (5) Any restitution paid by an offender to a victim for damages for a crime
 2 which was the basis of a reparations award under this Chapter, and any restitution
 3 payments owed to a victim as a condition of an offender's release on parole but
 4 directed to the fund pursuant to R.S. 15:574.4.2(C)(1)(b).

* * *

6 C.(1) Except as provided in ~~Paragraph~~ Paragraphs (2) and (3) of this
 7 Subsection, all monies deposited in the fund shall be used solely to pay reparation
 8 awards to victims pursuant to this Chapter and disbursements therefrom shall be
 9 made by the state treasurer upon written order of the board, signed by the chairman,
 10 or a court.

* * *

12 (3) Monies directed to the fund pursuant to R.S. 15:574.4.2(C)(1)(b) may
 13 be used to pay restitution owed to a victim pursuant to R.S. 15:574.4.2(C)(1)(a) who
 14 applies for recovery of the restitution funds pursuant to the provisions of this
 15 Chapter.

* * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____