The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

SB 522 Original 2018 Regular Session Claitor

Present law (C.Cr.P. Art. 875.1, as enacted by Act No. 260 of the 2017 R.S., effective Aug. 1, 2018) provides that, beginning Aug. 1, 2018, prior to ordering the imposition of any financial obligation, the court shall determine whether payment in full of the aggregate amount of all the financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents.

Present law further provides for the following in this regard:

(1) If the court determines that payment in full of the aggregate amount of all financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents, the court shall either waive all or any portion of the financial obligation or order a payment plan that requires the defendant to make a monthly payment to fulfill the obligations.

(2) Provides that the defendant's outstanding financial obligations may be forgiven and considered paid-in-full if the defendant makes consistent monthly payments for either 12 consecutive months or consistent monthly payments for half of the defendant's term of supervision, whichever is longer.

Proposed law amends present law (C.Cr.P. Art. 875.1, as enacted by Act No. 260 of the 2017 R.S., effective Aug. 1, 2018) to provide that the portion of the defendant's financial obligations that is designated as restitution due to a victim shall not be waived or forgiven pursuant to present law.

Finally, proposed law provides that any outstanding balance of unpaid restitution at the end of a defendant's term of supervision shall be reduced to a civil money judgment that may be enforced in the same manner as provided for the execution of judgments in the La. Code of Civil Procedure. Notice of the judgment shall be sent by the clerk to the last known address of the person to whom the restitution was ordered to be paid.

Effective August 1, 2018.

(Amends C.Cr.P. Art. 875.1(D)(1)(a), (E), and (F); adds C.Cr.P. Art. 875.1(G))