

2020 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 2

BY REPRESENTATIVE MAGEE

A CONCURRENT RESOLUTION

To suspend until August 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 financial obligations associated with the offense including court costs, fines, fees, and restitution.

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

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

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

WHEREAS, in the 2019 Regular Session of the Legislature, Act No. 253 further delayed the effective date of Act No. 260 of the 2017 Regular Session of the Legislature to August 1, 2021, but inadvertently did not amend the effective date of the changes made to Code of Criminal Procedure Article 875.1 by Act No. 668 of the 2018 Regular Session of the Legislature, and those changes went into effect on August 1, 2019; and

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

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends 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.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE