

2022 Regular Session

HOUSE BILL NO. 51

BY REPRESENTATIVES GOUDEAU AND MIKE JOHNSON

CRIME/HOMICIDE: Provides relative to vehicular homicide

1 AN ACT

2 To enact R.S. 14:32.1(E), relative to operating a vehicle while intoxicated; to provide
3 relative to the crime of vehicular homicide; to provide relative to penalties of the
4 crime of vehicular homicide; to require certain payments for the support of the minor
5 child of the victim; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:32.1(E) is hereby enacted to read as follows:

8 §32.1. Vehicular homicide

9 * * *

10 E.(1) Whoever commits the crime of vehicular homicide shall be ordered by
11 the court to pay child support restitution to the child of the victim until the child
12 reaches eighteen years of age, except if the child reaches eighteen years of age and
13 is enrolled in and attending high school or a general education development test
14 preparation program or a postsecondary institution, then child support restitution
15 shall continue to be paid if the child continues to attend and progress toward
16 completion until the child completes such program or reaches twenty-one years of
17 age, whichever first occurs.

18 (2) The court shall order the offender to pay child support restitution in an
19 amount that is reasonable and necessary for the support of the child after considering
20 all relevant factors, including but not limited to:

- 1 (a) The financial needs and resources of the child.
- 2 (b) The financial resources and needs of the surviving parent or, if no other
3 parent is alive or capable of caring for the child, the guardian of the child, including
4 the state if the state is the guardian.
- 5 (c) The standard of living the child would have enjoyed if the parent would
6 have survived.
- 7 (d) The physical and emotional condition and the educational needs of the
8 child.
- 9 (e) The physical and legal custody arrangements of the child.
- 10 (f) The reasonable work-related child care expenses of the surviving parent
11 or guardian.
- 12 (3) The court shall order that child support restitution payments be made to
13 the child support enforcement section of the Department of Children and Family
14 Services as trustee for remittance to the surviving parent or guardian entitled to
15 receive the support restitution payments. The payments shall be remitted by the
16 department to the surviving parent or guardian within three working days of
17 receiving the payments from the offender. All receipts of the payments shall be
18 deposited no later than the next working day after the payment has been received by
19 the surviving parent or guardian.
- 20 (4) Notwithstanding the provisions of R.S. 9:311.1, if an offender ordered
21 to pay child support restitution under this Subsection is incarcerated and unable to
22 pay the required support, the person shall have up to one year after the release from
23 incarceration to begin payment, including any arrearage.
- 24 (5) If any obligation under this Section is to terminate as provided under
25 Paragraph (1) of this Subsection but the offender's obligation is not paid in full,
26 payments shall continue until the entire arrearage is paid.
- 27 (6)(a) If the surviving parent or guardian of the child brings a civil action
28 against the offender prior to the issuance of a child support restitution order under

1 this Subsection and the surviving parent or guardian obtains a judgment in his favor
 2 in the civil suit, no child support restitution shall be ordered under this Subsection.
 3 (b) If the court orders child support restitution under this Subsection and the
 4 surviving parent or guardian brings a civil action against the offender and obtains a
 5 judgment in his favor, the child support restitution order may offset the judgment
 6 awarded in the civil action.

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)]

HB 51 Original

2022 Regular Session

Goudeau

Abstract: Provides relative to the penalties for the crime of vehicular homicide and requires the court to order child support restitution payments to the minor child of the victim of the offense.

Present law provides that the crime of vehicular homicide is the killing of a human being caused by an offender engaged in the operation of any motor vehicle, aircraft, watercraft, or other means of conveyance while the offender was under the influence of alcohol, a controlled dangerous substance, or a combination of both that was a contributing factor to the killing.

Present law also provides penalties for the crime of vehicular homicide.

Proposed law retains present law and proposed law requires the offender to make payments to the victim's minor child until the child reaches the age of 18 or if enrolled and attending high school or a GED test prep program or a postsecondary institution, then payments continue until completion of the program or the child reaches the age of 21, whichever occurs first.

Proposed law provides a list of factors to consider in the determination of the amount of the child support restitution payments.

Proposed law directs the Dept. of Children and Family Services to receive payments from the offender to remit to the surviving spouse or legal guardian of the victim's child.

Proposed law further provides that if a civil suit is brought against the offender prior to a child support restitution order, then a child support restitution order shall not be ordered in accordance with proposed law.

Proposed law specifies that if the court orders child support restitution and a judgment was obtained from a civil suit in favor of the surviving parent or guardian, the child support restitution order may offset the judgment awarded.

(Adds R.S. 14:32.1(E))