
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 Reengrossed

2022 Regular Session

Goudeau

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

Present law (C.Cr.P. Art. 883.2) provides for restitution.

Proposed law retains present law and 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 restitution payments.

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

Proposed law provides that if the offender is ordered to pay restitution and is incarcerated and unable to pay, the offender shall have up to one year after release to begin payment.

Proposed law provides that if an outstanding balance remains at the end of supervision, the unpaid balance shall be reduced to a civil money judgment.

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

Present law (R.S. 14:32.1) 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 provides that in addition to the penalties provided in present law, a person convicted of a violation of present law shall be ordered to make restitution as provided in present law (C.Cr.P. Art. 883.2).

Provides that proposed law shall be referred to as "Cody's Law".

(Adds C.Cr.P. Art. 883.2(E) and R.S. 14:32.1(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Add language that provides for an offender's payment of court-ordered restitution to the child of the victim if the offender commits the crime of vehicular homicide.
3. Delete language that refers to court ordered child support restitution payments made to the child support enforcement section of the DCFS.
4. Remove all references to child support.
5. Add payment of restitution to the penalties of vehicular homicide.
6. Provide that proposed law be referred to as "Cody's Law".

The House Floor Amendments to the engrossed bill:

1. Replace the reference regarding termination of the offender's obligation to pay with a reference to the reduction of unpaid restitution to a civil money judgment.