

RÉSUMÉ DIGEST

ACT 451 (HB 439)

2023 Regular Session

Bryant

Existing law (R.S. 46:1807), relative to the Crime Victims Reparations Board (board), requires the board to take certain actions in regard to the performance of its powers and duties.

New law adds that the board shall also take such actions and perform such other functions as are required by new law (relative to Victims of Vehicular Homicide Act).

New law creates the Victims of Vehicular Homicide Act and creates the Victims of Vehicular Homicide Fund as a special fund in the treasury from which awards under the new law shall be paid.

New law provides definitions for "board", "reparations", and "victim".

New law authorizes the board to make an award and order the payment of reparations for loss for death resulting from the existing law offense of vehicular homicide (R.S. 14:32.1) when the offender failed to maintain compulsory motor vehicle liability security pursuant to existing law (R.S. 32:861) and the victim failed to maintain uninsured motorist coverage.

New law provides for the requirements for applications and provides that applications for reparations shall be filed in writing with the board within one year after the date of the death or within such longer period as the board determines is justified by the circumstances. Requires certain reasonable documentation to be submitted with the application.

New law provides that the board shall order payments of reparations without hearings.

New law requires the board to order the payment of reparations in an amount determined by the board if, with or without hearings, it finds by a preponderance of evidence that loss was sustained by reason of death and that such loss was proximately caused by the crime of vehicular homicide.

New law provides that awards payable under new law shall not exceed \$60,000, per occurrence, in the aggregate for all claims arising out of the same crime. Further authorizes the board to order the payment of an award in a lump sum or in installments.

New law authorizes the board to make an emergency award pending its final decision in the case. Provides that an emergency award shall not exceed \$1,000.

New law provides that whenever any person is convicted of vehicular homicide or operating a vehicle while intoxicated and an order for the payment of reparations is or has been made pursuant to new law, the attorney general, within two years after the date on which the judgment of conviction becomes final, may institute a civil action against the convicted person for the recovery for all or any part of the reparations payment. Further provides that any amount recovered shall be deposited in the state treasury and credited to the Victims of Vehicular Homicide Fund.

New law provides that, in addition to any other costs otherwise imposed by existing law, a cost of not less than \$50,000 for vehicular homicide or operating a motor vehicle while intoxicated is levied in each criminal action which results in a conviction or guilty plea. Provides that the cost is paid by the defendant and a periodic payment plan may be ordered.

New law requires the board to submit an annual report to the legislature and the governor detailing its activities during the preceding year.

New law provides that the state shall not be liable for the claim of any applicant in excess of the funds appropriated for the payment of claims under new law.

New law terminates the fund on Aug. 1, 2027.

Effective August 1, 2023.

(Amends R.S. 44:4.1(B)(31) and R.S. 46:1807(A); Adds R.S. 46:1807(B)(8) and 1823-1838)