

1 penalties; to provide relative to reimbursements; to repeal the Victims of Vehicular
2 Homicide Act; and to provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 4:176(B) is hereby amended and reenacted to read as follows:

5 §176. Limitation of time for presenting pari-mutuel tickets and disposition of
6 unclaimed monies

7 * * *

8 B. The sum held by any licensee for payment of outstanding winning
9 pari-mutuel tickets and for refunding the price of pari-mutuel tickets shall be retained
10 by such licensee for such purpose until the expiration of ninety days after the close
11 of the race meeting conducted by the licensee. One hundred days after the close of
12 any race meeting, the licensee shall each day accumulate the amount equal to the
13 sum of the unclaimed monies that expire that day. On or before the fifteenth day of
14 the first month following the end of a calendar-year quarter, the licensee shall remit
15 less the amount of state tax paid by the licensee on such unclaimed monies, to the
16 state treasurer for deposit into the Crime ~~Victims—Reparations~~ Victims'
17 Compensation Fund as provided for in R.S. 46:1816(B)(8) an amount equal to the
18 accumulated total for the previous calendar-year quarter. Such funds shall be used
19 exclusively to pay the expenses associated with ~~health-care~~ healthcare services of
20 victims of sexually oriented criminal offenses, including forensic medical
21 examinations as defined in R.S. 15:622.

22 * * *

23 Section 2. R.S. 10:9-406(i) and 9-408(f) are hereby amended and reenacted to read
24 as follows:

25 §9-406. Discharge of account debtor; notification of assignment; identification and
26 proof of assignment; restrictions on assignment of accounts, chattel paper,
27 payment intangibles, and promissory notes ineffective

28 * * *

29 (i) Inapplicability. This Section does not apply to an assignment of a health-
30 care-insurance receivable. This Section further does not apply to an assignment of

1 any pension, disability, annuity, retirement or other benefit, distribution or allowance
 2 right or payment from any governmental retirement system or pension fund or any
 3 other governmental unit, workers' compensation claims or payments, unemployment
 4 compensation benefits, public assistance payments, crime victim ~~reparations~~
 5 compensation, or lottery payments.

6 * * *

7 §9-408. Restrictions on assignment of promissory notes, health-care-insurance
 8 receivables, and certain general intangibles ineffective

9 * * *

10 (f) Inapplicability. This Section does not apply to an assignment of any
 11 pension, disability, annuity, retirement or other benefit, distribution or allowance
 12 right or payment from any governmental retirement system or pension fund or any
 13 other governmental unit, workers' compensation claims or payments, unemployment
 14 compensation benefits, public assistance payments, crime victim ~~reparations~~
 15 compensation, or lottery payments.

16 * * *

17 Section 3. R.S. 15:574.4.2(C)(1), 705(C)(3)(a) and (D)(3), 874(7), 875(E), and 1223
 18 are hereby amended and reenacted to read as follows:

19 §574.4.2. Decisions of committee on parole; nature, order, and conditions of parole;
 20 rules of conduct; infectious disease testing

21 * * *

22 C.(1)(a) When a victim of the crime for which parole is being considered has
 23 suffered a direct pecuniary loss other than damage to or loss of property, the parole
 24 committee may impose as a condition of parole that restitution be made to the victim.
 25 When such a condition is imposed, the committee shall consider the defendant's
 26 ability to pay and shall not revoke parole based upon this condition unless the
 27 parolee has willfully failed to comply. When the victim's loss consists of damage to
 28 or loss of property, the committee shall impose as a condition of parole payment of
 29 restitution, either in a lump sum or in monthly installments based on the earning
 30 capacity and assets of the defendant. If the victim was paid for such property loss

1 or damage with monies from the Crime ~~Victims Reparations~~ Victims' Compensation
 2 Fund, the committee shall order the parolee to make such payments as
 3 reimbursement to the fund in the same amount as was paid from the fund to the
 4 victim. This condition of parole shall continue until such time as the restitution is
 5 paid or the parolee is discharged from parole in accordance with R.S. 15:574.6.

6 (b) If restitution to the victim is ordered as a condition of parole in
 7 accordance with the provisions of this Subsection and the victim cannot be located
 8 by the probation and parole officer within one year after the condition is imposed,
 9 the defendant shall direct the restitution payments to the Crime ~~Victims Reparations~~
 10 Victims' Compensation Fund as provided for in R.S. 46:1816.

11 * * *

12 §705. Food and clothing provisions for prisoners; payment of incarceration
 13 expenses; payment of medical expenses; imposition of restitution on
 14 offenders

15 * * *

16 C.

17 * * *

18 (3)(a) Each governing authority shall establish written rules for the collection
 19 of such expenses from the inmate, including freezing assets in his drawing account
 20 and prohibiting withdrawals therefrom until the expenses are paid. The drawing
 21 account may be frozen regardless of the source of the assets contained therein.
 22 Notwithstanding any other law to the contrary, the governing authority shall
 23 promulgate rules and regulations regarding reimbursement by the inmate for medical
 24 expenses incurred by the governing authority for the inmate's treatment, including
 25 a requirement that the inmate file a claim with his private medical or ~~health care~~
 26 healthcare insurer or any public medical assistance program, under which he is
 27 covered and from which the inmate may make a claim for payment or reimbursement
 28 of the cost of any such medical treatment. This Subsection ~~shall~~ does not prohibit
 29 the withdrawal of funds for the purpose of payments under the Crime ~~Victims~~

1 R.S. 46:1816, after all other costs are paid. The department shall notify the court if
2 the costs for the Crime ~~Victims Reparations~~ Victims' Compensation Fund have been
3 collected. The funds in an inmate's accounts shall not be reduced by more than
4 seventy-five percent in accordance with this Section.

5 * * *

6 §875. Imposition of restitution on offenders; procedures

7 * * *

8 E. The amount of restitution may be obtained from an offender by freezing
9 assets in his drawing and savings account and prohibiting withdrawals therefrom
10 until the restitution is paid, whether from these accounts or from any other source by
11 any other appropriate means. The accounts may be frozen regardless of the source
12 of the assets contained therein and specifically including any assets of a juvenile sent
13 to him by his parent or guardian and placed in his accounts. This Subsection ~~shall~~
14 does not prohibit the withdrawal of funds for the purpose of payments under the
15 Crime ~~Victims Reparations~~ Victims' Compensation Act, court costs as authorized by
16 law, and other withdrawals specifically authorized by the warden or by the
17 superintendent if the warden is unavailable, in that order.

18 * * *

19 §1223. Crime ~~Victims Reparations~~ Victims' Compensation Board

20 The Crime ~~Victims Reparations~~ Victims' Compensation Board as further
21 provided for in Chapter 21 of Title 46 of the Louisiana Revised Statutes of 1950 is
22 ~~hereby~~ placed under the jurisdiction of the Louisiana Commission on Law
23 Enforcement and Administration of Criminal Justice.

24 Section 4. R.S. 27:94(C), 252(C), 394(C), and 610(A)(3)(c) are hereby amended and
25 reenacted to read as follows:

26 §94. Ninety-day time period to claim jackpot ticket; collection and use of funds

27 * * *

28 C. After such time, the licensee shall each day accumulate the amount equal
29 to the sum of any unclaimed monies, less the amount of state tax paid by the licensee
30 on the unclaimed monies that expire that day. On or before the fifteenth day of the

1 first month following the end of a calendar-year quarter, the licensee shall remit to
 2 the state treasurer for deposit into the Crime ~~Victims-Reparations~~ Victims'
 3 Compensation Fund as provided for in R.S. 46:1816(B)(8) an amount equal to the
 4 accumulated total for the previous calendar-year quarter. The funds shall be used
 5 exclusively to pay the expenses associated with ~~health-care~~ healthcare services of
 6 victims of sexually oriented criminal offenses, including forensic medical
 7 examinations as defined in R.S. 15:622.

8 * * *

9 §252. Ninety-day time period to claim jackpot ticket; collection and use of funds

10 * * *

11 C. After such time, the licensee shall each day accumulate the amount equal
 12 to the sum of any unclaimed monies, less the amount of state tax paid by the licensee
 13 on the unclaimed monies that expire that day. On or before the fifteenth day of the
 14 first month following the end of a calendar-year quarter, the licensee shall remit to
 15 the state treasurer for deposit into the Crime ~~Victims-Reparations~~ Victims'
 16 Compensation Fund as provided for in R.S. 46:1816(B)(8) an amount equal to the
 17 accumulated total for the previous calendar-year quarter. The funds shall be used
 18 exclusively to pay the expenses associated with ~~health-care~~ healthcare services of
 19 victims of sexually oriented criminal offenses, including forensic medical
 20 examinations as defined in R.S. 15:622.

21 * * *

22 §394. Ninety-day time period to claim jackpot ticket; collection and use of funds

23 * * *

24 C. After such time, the licensee shall each day accumulate the amount equal
 25 to the sum of any unclaimed monies, less the amount of state tax paid by the licensee
 26 on the unclaimed monies that expire that day. On or before the fifteenth day of the
 27 first month following the end of a calendar-year quarter, the licensee shall remit to
 28 the state treasurer for deposit into the Crime ~~Victims-Reparations~~ Victims'
 29 Compensation Fund as provided for in R.S. 46:1816(B)(8) an amount equal to the
 30 accumulated total for the previous calendar-year quarter. The funds shall be used

1 exclusively to pay the expenses associated with ~~health care~~ healthcare services of
2 victims of sexually oriented criminal offenses, including forensic medical
3 examinations as defined in R.S. 15:622.

4 * * *

5 §610. Payment of winnings; collection and use of funds

6 A.

7 * * *

8 (3)

9 * * *

10 (c) After such time, the operator shall each day accumulate the amount equal
11 to the sum of any unclaimed winnings, less the amount of state tax paid by the
12 licensee on the unclaimed monies that expire that day. On or before the fifteenth day
13 of the first month following the end of a calendar-year quarter, the licensee shall
14 remit to the state treasurer for deposit into the Crime ~~Victims Reparations~~ Victims'
15 Compensation Fund as provided for in R.S. 46:1816 an amount equal to the
16 accumulated total for the previous calendar-year quarter. The funds shall be used
17 exclusively to pay the expenses associated with ~~health care~~ healthcare services of
18 victims of sexually oriented criminal offenses, including forensic medical
19 examinations as defined in R.S. 15:622.

20 * * *

21 Section 5. R.S. 32:865(B)(2) is hereby amended and reenacted to read as follows:

22 §865. Criminal sanctions for operating motor vehicle not covered by security

23 * * *

24 B.

25 * * *

26 (2) Notwithstanding Paragraph (1) of this Subsection and except as provided
27 in Paragraph (3) of this Subsection, any person operating a motor vehicle when that
28 person knows the vehicle is not covered by the security required under R.S. 32:861,
29 and any owner allowing a motor vehicle to be operated which is in any way involved
30 in an accident within this state in which any person is killed or injured or in which

1 damage to the property of any one person in excess of five hundred dollars is
 2 sustained, when such motor vehicle is not covered by the security required under
 3 R.S. 32:861, the owner thereof knows or has been notified by the department of the
 4 absence of the required security, and at least thirty days has elapsed after such
 5 knowledge has been acquired or notification received by the owner, shall, upon
 6 conviction, be fined not less than one thousand dollars, nor more than ten thousand
 7 dollars, shall have the registration of his vehicle revoked for a period of twelve
 8 months, shall have his driving privileges suspended for a period of twelve months,
 9 and shall be required to perform not less than forty hours nor more than two hundred
 10 hours of community service. After deposit in the Bond Security and Redemption
 11 Fund, an amount equal to all fines collected under the provisions of this Paragraph
 12 shall be credited to the Crime ~~Victims Reparations~~ Victims' Compensation Fund,
 13 R.S. 46:1816.

* * *

15 Section 6. R.S. 36:4(B)(11)(b) is hereby amended and reenacted to read as follows:

16 §4. Structure of executive branch of state government

17 * * *

18 B. The office of the governor shall be in the executive branch of state
 19 government. The governor may allocate within his office the powers, duties, funds,
 20 functions, appropriations, responsibilities, and personnel of the agencies within his
 21 office and provide for the administration thereof and for the organization of his
 22 office. The following agencies and their powers, duties, functions, and
 23 responsibilities are hereby transferred to the office of the governor:

24 * * *

25 (11) Louisiana Commission on Law Enforcement and Administration of
 26 Criminal Justice (R.S. 15:1201 et seq.). The following agencies are placed under
 27 the jurisdiction of the Louisiana Commission on Law Enforcement and
 28 Administration of Criminal Justice:

29 * * *

1 (b) ~~Crime Victims Reparations~~ Victims' Compensation Board (R.S. 46:1801
2 and R.S. 15:1223).

3 * * *

4 Section 7. R.S. 40:1216.1(A)(introductory paragraph) and (6)(introductory
5 paragraph) and (b) are hereby amended and reenacted to read as follows:

6 §1216.1. Procedures for survivors of a sexually oriented criminal offense;
7 immunity; regional plans; maximum allowable costs; definitions; documents
8 requested by victim

9 A. All licensed hospitals and healthcare providers in ~~Louisiana~~ this state
10 shall offer every sexual assault survivor information to receive the treatment
11 provided for in this Section. A licensed hospital or healthcare provider shall adhere
12 to the following procedures if a person presents for treatment as a sexual assault
13 survivor:

14 * * *

15 (6) The healthcare provider who performed the forensic medical ~~exam~~
16 examination and the hospital or healthcare facility shall submit a claim for payment
17 for conducting a forensic medical ~~exam~~ examination directly to the ~~Crime Victim~~
18 ~~Reparations~~ Victims' Compensation Board to be paid in strict accordance with the
19 provisions of R.S. 46:1822. A survivor of a sexually oriented criminal offense shall
20 not be billed directly or indirectly for the performance of any forensic medical ~~exam~~
21 examination. The provisions of this Paragraph shall not be interpreted or construed
22 to apply to either of the following:

23 * * *

24 (b) A survivor of a sexually oriented criminal offense seeking reparations in
25 accordance with the provisions of the ~~Crime Victims Reparations~~ Victims'
26 Compensation Act, R.S. 46:1801 et seq., for the costs for any medical services that
27 are not specifically set forth in this Section or provided for the diagnosis or treatment
28 of the survivor for injuries related to the sexual assault.

29 * * *

30 Section 8. R.S. 44:4(28) is hereby amended and reenacted to read as follows:

1 (3) "Child" means ~~an unmarried person under eighteen years of age, and~~
2 ~~includes a natural child, adopted child, stepchild, child born outside of marriage, any~~
3 ~~of the above who is a student not over twenty-three years of age, and~~ or a child
4 ~~conceived prior to but born after the personal injury or death of the victim: who is~~
5 either of the following:

6 (a) An unmarried person who is under eighteen years of age.

7 (b) An unmarried person who is at least eighteen years of age but under
8 twenty-four years of age who is currently attending secondary school or enrolled as
9 a full-time student in a postsecondary educational institution.

10 (4) "Claimant" means ~~a victim or a dependent of a deceased victim, or the~~
11 ~~legal representative of either, an intervenor, the healthcare provider who provides~~
12 ~~healthcare services associated with a forensic medical examination as defined in R.S.~~
13 ~~15:622, or in the event of a death, a person who legally assumes the obligation or~~
14 ~~who voluntarily pays the medical or the funeral or burial expenses incurred as a~~
15 ~~direct result of the crime: any of the following who is eligible to file or has filed an~~
16 application for compensation pursuant to this Chapter:

17 (a) A victim.

18 (b) A dependent of a deceased victim.

19 (c) An intervenor.

20 (d) A person legally authorized to act on behalf of a person described in
21 Subparagraph (a), (b), or (c) of this Paragraph.

22 (e) A person who legally assumes the obligation or who voluntarily pays
23 medical or funeral, burial, or cremation expenses of a victim that are incurred as a
24 direct result of a crime covered under this Chapter.

25 (f) A deceased victim's family member or household member who requires
26 psychiatric care or counseling as a direct result of a crime covered under this
27 Chapter.

28 (g) A child's parent, stepparent, legal custodian, legal guardian, sibling by
29 half or whole blood or by adoption, or stepsibling who requires psychiatric care or

1 (6) "Dependent" means ~~a spouse or any person who is a dependent of a~~
 2 ~~victim within the meaning of Section 152 of the United States Internal Revenue~~
 3 ~~Code (26 U.S.C. 152).~~ any of the following:

4 (a) A spouse.

5 (b) A person who is a dependent of a victim within the meaning of Section
 6 152 of the United States Internal Revenue Code.

7 (7) "Family member" means the victim's spouse, parent, grandparent,
 8 stepparent, legal custodian, legal guardian, child, grandchild, sibling by half or whole
 9 blood or by adoption, or stepsibling. For the purposes of this Paragraph, "child"
 10 means a natural child, adopted child, stepchild, child born outside of marriage, or
 11 child conceived prior to but born after the personal injury or death of the victim,
 12 regardless of age.

13 (8) "Forensic medical examination" has the same meaning as defined in R.S.
 14 15:622.

15 ~~(7)~~ (9) "Healthcare facility" means a facility or institution providing
 16 healthcare services, including but not limited to a hospital or other licensed inpatient
 17 center; ambulatory surgical or treatment center; skilled nursing facility; inpatient
 18 hospice facility; residential treatment center; diagnostic, laboratory, or imaging
 19 center; or rehabilitation or other therapeutic health setting.

20 ~~(8)~~ (10) "Healthcare provider" means a physician or other healthcare
 21 practitioner licensed, certified, registered, or otherwise authorized to perform
 22 specified healthcare services consistent with state law.

23 ~~(9)~~ (11) "Healthcare services" means services, items, supplies, or drugs for
 24 the diagnosis, prevention, treatment, cure, or relief of a health condition, illness,
 25 injury, or disease ancillary to a sexually oriented criminal offense.

26 (12) "Household member" means a person who resided in the same
 27 permanent abode as the victim at the time the crime was committed.

28 (13) "Human trafficking-related offense" means the perpetration or
 29 attempted perpetration of R.S. 14:46.2 or 46.3 or any other crime involving

1 commercial exploitation including but not limited to R.S. 14:81.1, 81.3, 82, 82.1,
 2 82.2, 83, 83.1, 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 104, 105, and 282.

3 ~~(10)~~ (14) "Intervenor" means a person who goes to the aid of another and ~~is~~
 4 ~~killed or injured~~ who suffers personal injury or death in the good faith effort to
 5 prevent a crime covered by under this Chapter, to apprehend a person reasonably
 6 suspected of having engaged in such a crime, or to aid a peace officer. ~~"Peace~~
 7 ~~officer" shall include~~ For the purposes of this Paragraph, "peace officer" means
 8 commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals,
 9 correctional officers, constables, wildlife enforcement agents, and probation and
 10 parole officers.

11 (15) "Louisiana resident" means a person who maintained a place of
 12 permanent abode in this state at the time the crime was committed.

13 ~~(11)~~ (16) "Pecuniary loss" means the amount of the expense reasonably and
 14 necessarily incurred by reason of the personal injury, ~~as a consequence of death, or~~
 15 ~~a catastrophic property loss, and includes:~~

16 ~~(a)~~ For personal injury: or death suffered by the victim as follows:

17 ~~(i)~~ (a) Medical, hospital, nursing, or psychiatric care or counseling, ~~and or~~
 18 physical therapy.

19 ~~(ii)~~ (b) Actual loss of past earnings and anticipated loss of future earnings
 20 because of a disability resulting from the personal injury or the receipt of medically
 21 indicated services by a victim related to the personal injury.

22 ~~(iii)~~ (c) Care of a child or dependent.

23 ~~(iv)~~ Counseling or therapy for the parents or siblings of a child who is the
 24 ~~victim of a sexual crime.~~

25 ~~(v)~~ Loss of support for a child victim of a sexual crime not otherwise
 26 compensated for as a pecuniary loss for personal injury.

27 ~~(vi)~~ Relocation for claimants who have to relocate as a result of the crime for
 28 reasons of personal safety or other reasons reasonably related to the crime.

29 ~~(b)~~ As a consequence of death:

30 ~~(i)~~ (d) Funeral, burial, or cremation expenses.

1 (ii) ~~(e)~~ Loss of support to ~~one or more dependents not otherwise~~
2 compensated for as a pecuniary loss for personal injury.

3 ~~(iii) Care of a child or children enabling the surviving spouse of a victim or~~
4 ~~the legal custodian or caretaker of the deceased victim's child or children to engage~~
5 ~~in lawful employment, where that expense is not otherwise compensated for as a~~
6 ~~pecuniary loss for personal injury.~~

7 ~~(iv) Counseling or therapy for any surviving family member of the victim~~
8 ~~or any person in close relationship to such victim.~~

9 ~~(v) Crime scene cleanup.~~

10 ~~(vi) Relocation for claimants who have to relocate as a result of the crime~~
11 ~~due to the death of the victim.~~

12 ~~(c) As to catastrophic property loss, the loss must be so great as to cause~~
13 ~~overwhelming financial effect on the victim or other claimant and shall be restricted~~
14 ~~to loss of abode.~~

15 ~~(d) Any other expense associated with the collection and securing of crime~~
16 ~~scene evidence.~~

17 ~~(12) "Pecuniary loss" does not include loss attributable to pain and suffering.~~

18 ~~(13) "Reparations" means payment of compensation in accordance with the~~
19 ~~provisions of this Chapter for pecuniary loss resulting from physical injury, death,~~
20 ~~or catastrophic property loss by reason of a crime enumerated in this Chapter. any~~
21 ~~of the following:~~

22 ~~(i) A dependent of a deceased victim.~~

23 ~~(ii) A child who is the victim of a sexually oriented criminal offense if the~~
24 ~~child is a dependent of the offender and the offender is incarcerated as a direct result~~
25 ~~of the sexually oriented criminal offense.~~

26 ~~(f) Cleaning the crime scene.~~

27 ~~(g) Clothing, bedding, or property of the victim seized as evidence or~~
28 ~~rendered unusable as a direct result of a criminal investigation.~~

29 ~~(h) Temporary lodging or permanent relocation when immediate relocation~~
30 ~~is necessary for the health and safety of the victim or the victim's household member.~~

1 (i) Costs associated with the removal of a tattoo the victim received through
 2 fraud, force, or coercion as a direct result of a human trafficking-related offense.

3 (17) "Person" means a natural person.

4 (18) "Personal injury" means physical or mental harm.

5 ~~(14)~~ (19) "Sexually oriented criminal offense" ~~shall have~~ has the same
 6 meaning as sex offense as defined in R.S. 15:541(24).

7 ~~(15)~~ (20) "Victim" means any of the following:

8 (a) ~~Any~~ A person who suffers personal ~~injury, death, or catastrophic property~~
 9 ~~loss~~ injury or death as a direct result of a crime committed in this state and covered
 10 by under this Chapter. ~~This includes any person who is a victim of human~~
 11 ~~trafficking as defined by R.S. 14:46.2, a victim of trafficking of children for sexual~~
 12 ~~purposes as defined by R.S. 14:46.3, or a victim of any offense involving~~
 13 ~~commercial sexual exploitation including but not limited to R.S. 14:81.1, 81.3, 82,~~
 14 ~~82.1, 82.2, 83, 83.1, 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 104, 105, and 282.~~

15 (b) A Louisiana resident who is a victim of an act of terrorism, as defined in
 16 18 U.S.C. 2331, occurring that occurs outside of the United States.

17 (c) A Louisiana resident who suffers personal injury or death as a direct
 18 result of a crime ~~described in R.S. 46:1805~~ covered under this Chapter, except that
 19 the ~~criminal act~~ crime occurred outside of this state. ~~The~~ A Louisiana resident ~~shall~~
 20 ~~have~~ has the same rights under this Chapter as if the ~~act~~ crime had occurred in this
 21 state upon a showing that the state ~~in which~~ where the ~~act~~ crime occurred does not
 22 have an eligible crime ~~victims reparations~~ victims' compensation program and the
 23 crime would have been compensable had it occurred in Louisiana. ~~In this~~
 24 ~~Subparagraph, "Louisiana resident" means a person who maintained a place of~~
 25 ~~permanent abode in this state at the time the crime was committed for which~~
 26 ~~reparations are sought.~~

27 §1803. ~~Crime Victims Reparations~~ Victims' Compensation Board

28 A. The ~~Crime Victims Reparations~~ Victims' Compensation Board is created
 29 and established under the jurisdiction of the Louisiana Commission on Law

1 Enforcement and Administration of Criminal Justice ~~in~~ within the office of the
2 governor. The board shall be domiciled in Baton Rouge.

3 B. The board shall be composed of the ~~executive director of the Louisiana~~
4 ~~Commission on Law Enforcement and Administration of Criminal Justice or his~~
5 ~~designee, one person, who shall be chosen and appointed by the governor, from a list~~
6 ~~of three recommendations submitted to the governor by any victim's rights advocacy~~
7 ~~organization which is recognized as a nonprofit with the Internal Revenue Service,~~
8 ~~incorporated or organized in the state of Louisiana and in good standing, and does~~
9 ~~not engage in political activity, with each organization submitting a list of three~~
10 ~~names, and nine members who shall be appointed by the governor for a term~~
11 ~~concurrent with that of the governor. However, no person nominated by any victim's~~
12 ~~rights advocacy organization shall be appointed to serve as a member of the board~~
13 ~~who has previously been confirmed by the Senate and has served as a member of the~~
14 ~~board. Each appointment shall be submitted to the Senate for confirmation. At least~~
15 ~~one member shall be appointed from each of the congressional districts in the state.~~
16 ~~Of the governor's nine appointees, at least one shall be a full voting member who~~
17 ~~shall be sixty years of age or over and shall serve as a representative of the elderly~~
18 ~~population of Louisiana.~~ following members:

19 (1) The executive director of the Louisiana Commission on Law
20 Enforcement and Administration of Criminal Justice, or his designee.

21 (2)(a) One member, who the governor shall choose and appoint for a term
22 concurrent with that of the governor, from a list of three recommendations submitted
23 to the governor by any victims' rights advocacy organization that meets all of the
24 following:

25 (i) Recognized as a nonprofit with the Internal Revenue Service.

26 (ii) Incorporated or organized in this state and in good standing.

27 (iii) Does not engage in political activity.

28 (b) Each organization shall submit a list of three names, but no person who
29 is nominated by any victims' rights advocacy organization shall be appointed to serve

1 as a member of the board if he has previously been confirmed by the Senate and has
 2 served as a member of the board.

3 (3) Eight members, who the governor shall appoint for a term concurrent
 4 with that of the governor, with at least one member being appointed from each of the
 5 congressional districts in this state.

6 (4) One member, who the governor shall appoint for a term concurrent with
 7 that of the governor, who is sixty years of age or older and shall serve as a
 8 representative of the elderly population of this state.

9 C. Each gubernatorial appointment is subject to Senate confirmation.

10 ~~C. D.~~ A vacancy in the membership of the board shall be filled by
 11 appointment by the governor.

12 ~~D. E.~~ Members shall serve without compensation, but shall be paid a per
 13 diem not in excess of seventy-five dollars and shall be reimbursed for travel
 14 expenses incurred in attendance at meetings of the board and other expenses incurred
 15 on business of the board at its direction.

16 ~~E. F.~~ A majority of the members of the board shall constitute constitutes a
 17 quorum for the transaction of all business.

18 ~~F. G.~~ The members of the board shall annually elect from their membership
 19 a chairman and a vice chairman from their membership.

20 §1804. Eligibility to apply for ~~reparations~~ compensation

21 A. A person who ~~believes he~~ is a victim of a crime enumerated in R.S.
 22 46:1805, or his legal representative, or in the case of death, a dependent or the legal
 23 representative of a dependent, or the rightful claimant as defined in R.S. 46:1802(4),
 24 ~~shall be~~ covered under this Chapter or a claimant is eligible to ~~make~~ submit an
 25 application to the board for ~~reparations~~ compensation ~~and shall be~~ is eligible for an
 26 award of ~~reparations~~ compensation in accordance with the provisions of this Chapter.

27 B. During the sentencing for a crime, the judge shall inform the victim of the
 28 ~~crime, or his legal representative, or in the case of death, a dependent or the legal~~
 29 ~~representative of a dependent or the rightful claimant,~~ the legal counsel of the victim,
 30 or a claimant of the potential eligibility for an award of ~~reparations~~ compensation.

1 The judge shall also provide the contact information for the ~~Crime Victims~~
 2 ~~Reparations Board~~ board to such the persons described in this Subsection for the
 3 purpose of submitting an application to the board for an award of ~~reparations~~
 4 compensation.

5 §1805. Crimes ~~to which~~ applicable to this Chapter applies

6 A. The board may make an award and order the payment of ~~reparations~~
 7 compensation for pecuniary loss incurred in accordance with the provisions of this
 8 Chapter for the personal injury, death, or catastrophic property loss resulting from
 9 ~~any act or omission to act that is defined as a misdemeanor under any local ordinance~~
 10 ~~or as a crime under state or federal law and involves the use of force or the threat of~~
 11 ~~the use of force or any human trafficking-related offense.~~

12 B.(1) ~~For the purposes of this Chapter, the operation of a motor vehicle, boat,~~
 13 ~~or aircraft that results in personal injury or death shall not constitute a crime unless~~
 14 ~~the personal injury or death was intentionally inflicted through the use of such~~
 15 ~~vehicle, boat, or aircraft, or was caused by an operator in violation of R.S. 14:98,~~
 16 ~~98.1, or 100.~~

17 (2) ~~"Intentionally inflicted" includes, but is not limited to personal injury or~~
 18 ~~death resulting due to operation of a motor vehicle, boat, or aircraft used to flee the~~
 19 ~~scene of a crime in which the operator of the motor vehicle, boat, or aircraft~~
 20 ~~knowingly participated.~~

21 (3) ~~"Human trafficking-related offense" shall include the perpetration or~~
 22 ~~attempted perpetration of R.S. 14:46.2 or 46.3 or any other crime involving~~
 23 ~~commercial exploitation including R.S. 14:81.1, 81.3, 82, 82.1, 82.2, 83, 83.1, 83.2,~~
 24 ~~83.3, 83.4, 84, 85, 86, 89.2, 104, 105, and 282. or death suffered by the victim as a~~
 25 direct result of any of the following:

26 (1) An act or omission that is defined as a misdemeanor under any local
 27 ordinance or as a crime under state or federal law and involves the use of force or the
 28 threat of the use of force.

29 (2) A human trafficking-related offense.

30 (3) A sexually oriented criminal offense.

1 (4) An act involving the operation of a motor vehicle, watercraft, or aircraft
 2 that does not constitute a crime in this Chapter, unless the victim suffered personal
 3 injury or death as a direct result of any of the following:

4 (a) The use of a motor vehicle, watercraft, or aircraft by an operator to
 5 intentionally inflict personal injury or death upon the victim.

6 (b) The use of a motor vehicle, watercraft, or aircraft to flee the scene of a
 7 crime of which the operator knowingly was a participant.

8 (c) The use of a motor vehicle, watercraft, or aircraft by an operator who is
 9 in violation of R.S. 14:98, 98.1, 98.2, 98.3, 98.4, 98.6, or 100.

10 ~~C. B.~~ B. For the purposes of this Chapter, a person ~~shall be~~ is deemed to have
 11 committed a criminal act or omission notwithstanding that he was legally incapable
 12 of committing a crime by reason of age, insanity, drunkenness, or any other reason
 13 ~~he was legally incapable of committing a crime.~~

14 §1806. Application; requirements; confidentiality

15 A.(1)~~(a)~~ (a) An application for ~~reparations~~ compensation shall be filed in writing
 16 with the board within ~~one year~~ three years after the date of the ~~personal injury, death,~~
 17 ~~or catastrophic property loss~~ commission of the crime or within such longer period
 18 as the board determines is justified by the circumstances. The application ~~shall be~~
 19 is valid only if reasonable documentation of the crime ~~resulting~~ that resulted in the
 20 personal injury, ~~death, or catastrophic property loss~~ or death suffered by the victim
 21 is submitted with the application.

22 ~~(b)~~ (2) For the purposes of this Subsection, "reasonable documentation"
 23 means any of the following:

24 ~~(i)~~ (a) A ~~police report documenting~~ from law enforcement that documented
 25 the commission of the crime that is the basis for the application.

26 ~~(ii)~~ (b) Court records ~~evidencing the criminal prosecution of a~~ pertaining to
 27 the crime relevant to the application that are the basis for the application.

28 ~~(iii)~~ (c) A certification of the crime signed under oath by any licensed clinical
 29 social worker, professional counselor, or healthcare provider that conducted an
 30 examination of the injuries resulting from the commission of the crime.

1 ~~(iv) A certification of the crime signed under oath by a prosecuting attorney~~
 2 ~~or investigating law enforcement officer who has personal involvement in the~~
 3 ~~prosecution or investigation of any criminal case relative to the application.~~

4 ~~(v) Any other documentation the board deems sufficient to show the~~
 5 ~~commission of a crime relevant to the application.~~

6 ~~(2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection~~
 7 ~~and except as provided in Subparagraph (b) of this Paragraph, an application filed~~
 8 ~~by a dependent or legal representative of a deceased victim of a homicide offense,~~
 9 ~~or filed by a claimant as defined in R.S. 46:1802(4), shall be filed within five years~~
 10 ~~after the date on which the judgment of conviction becomes final or within five years~~
 11 ~~after the date on which the supreme court denies the defendant's first application for~~
 12 ~~appeal.~~

13 ~~(b) Notwithstanding the provisions of Paragraph (1) of this Subsection, when~~
 14 ~~the death of the offender occurs prior to a conviction for a homicide offense, an~~
 15 ~~application filed by a dependent or legal representative of a deceased victim of a~~
 16 ~~homicide offense, or filed by a claimant as defined in R.S. 46:1802(4), shall be filed~~
 17 ~~within five years after the date of the death of the offender.~~

18 ~~B.(1) An application for reparations related to a sexually oriented criminal~~
 19 ~~offense shall be filed in writing with the board within one year after the date on~~
 20 ~~which the personal injury, death, or catastrophic property loss occurred or within~~
 21 ~~such longer period as the board determines is justified by the circumstances.~~

22 ~~(2) A victim of a sexually oriented criminal offense shall not be required to~~
 23 ~~report a sexually oriented criminal offense to any law enforcement officer for~~
 24 ~~purposes of a claimant filing a valid application for reparations pursuant to this~~
 25 ~~Subsection.~~

26 ~~(3) A claimant that files an application for reparations for personal injury or~~
 27 ~~death resulting from a sexually oriented criminal offense shall submit certification~~
 28 ~~from a healthcare provider or coroner that a forensic medical examination of the~~
 29 ~~victim was conducted and an itemized billing statement for all related services~~
 30 ~~provided by the healthcare provider or coroner.~~

1 ~~(4) The coroner shall provide certification to the healthcare provider that a~~
2 ~~forensic medical examination was conducted.~~

3 ~~(5) The healthcare provider shall submit certification to the board that a~~
4 ~~forensic medical examination was conducted when requested by a claimant.~~

5 (c) An attestation from a healthcare provider who conducted an examination
6 of the personal injury suffered by the victim and who can verify that the personal
7 injury suffered by the victim was a direct result of the crime that is the basis for the
8 application.

9 (d) An attestation from the healthcare provider who conducted a forensic
10 medical examination on the victim as a direct result of the crime that is the basis for
11 the application, or an attestation from the coroner indicating that a forensic medical
12 examination was conducted on the victim as a direct result of the crime that is the
13 basis for the application.

14 ~~€~~ B. Application shall be made on a form prescribed and provided by the
15 board, which shall contain at least the following:

16 (1) A description of the date, nature, and circumstances of the act or acts
17 ~~resulting that resulted~~ in the ~~physical injury, death, or catastrophic property loss~~
18 personal injury or death suffered by the victim, and of the crime, if known.

19 (2) A complete financial statement, ~~including the cost of medical care or~~
20 ~~funeral, burial, or cremation expenses, the loss of wages or support, and the extent~~
21 ~~of the property loss, if any, which~~ of any pecuniary loss that the claimant has
22 incurred or will incur, and the extent to which the claimant has been indemnified for
23 ~~these expenses from~~ by any collateral source.

24 (3) Where appropriate, a statement ~~indicating that indicates~~ the extent of any
25 disability ~~resulting that resulted~~ from the personal injury incurred suffered by the
26 victim.

27 (4) An authorization permitting the board or its representatives to verify the
28 contents of the application.

29 (5) Such other information as the board may require.

1 ~~D. C.~~ The following information, when submitted to the board as part of an
2 application, ~~shall be~~ is confidential:

3 (1) Documents, including any itemized billing statements, submitted by a
4 claimant ~~which relate~~ that pertain to medical treatment ~~including any itemized billing~~
5 ~~statements~~.

6 (2) Law enforcement investigative reports.

7 (3) Forensic medical ~~examination~~ examinations.

8 ~~E. D.~~ Records, documents, and information in the possession of the board
9 that are received pursuant to a law enforcement investigation or a verification of
10 application by a law enforcement agency ~~shall be~~ are considered investigative
11 records of a law enforcement agency as described in R.S. 44:3 and shall not be
12 disseminated under any condition without the permission of the agency providing the
13 record or information to the board.

14 ~~F. E.~~ A victim who was owed restitution as a condition of an offender's
15 parole pursuant to R.S. 15:574.4.2(C)(1)(a) but whose restitution payments were
16 directed to the Crime ~~Victims Reparations~~ Victims' Compensation Fund pursuant to
17 R.S. 15:574.4.2(C)(1)(b) may file an application for recovery of the restitution in a
18 written format developed by the board.

19 §1807. Powers and duties of board; staff

20 A. The board shall administer the provisions of this Chapter ~~and Chapter 21-~~
21 ~~A of this Title~~ and ~~shall be~~ is responsible, in accordance with this Chapter ~~and~~
22 ~~Chapter 21-A of this Title~~, for ~~determining~~ all of the following:

23 (1) Determining all matters pertaining to applications for ~~reparations~~
24 compensation, investigations, and determinations based upon its findings, ~~the~~
25 ~~granting or rejecting of~~.

26 (2) Approving or denying applications or claims, ~~and fixing~~.

27 (3) Fixing the amounts amount of ~~the grants or~~ payments and the ~~methods~~
28 method of their payment payments.

29 B. In the performance of its powers and duties, the board shall do all of the
30 following:

1 (1) Prescribe, distribute, and otherwise make available forms for use in
 2 making application for ~~reparations~~ compensation and, where appropriate, recovery
 3 of restitution funds directed to the Crime ~~Victims~~ Reparations Victims'
 4 Compensation Fund pursuant to R.S. 15:574.4.2(C)(1)(b).

5 (2) Prepare and distribute pamphlets, informational materials, ~~and~~
 6 ~~application forms~~, and otherwise assist in making the ~~residents of the state~~ public
 7 aware of the provisions of this Chapter.

8 (3) Receive, verify, and process applications for ~~reparations~~ compensation
 9 and, where appropriate, recovery of restitution funds directed to the Crime ~~Victims~~
 10 Reparations Victims' Compensation Fund pursuant to R.S. 15:574.4.2(C)(1)(b).

11 (4) Hold such hearings, take such testimony, and make such investigations
 12 as are necessary with respect to any application received by ~~it~~ the board.

13 (5) Make a written decision with respect to each application received by ~~it~~
 14 the board and ~~order payment of reparations~~ award compensation for pecuniary loss
 15 or, where appropriate, recovery of restitution funds to victims in accordance with this
 16 Chapter.

17 (6) Take such other actions and perform such other functions as are required
 18 by this Chapter or necessary to accomplish the purposes of the board.

19 (7) Develop, adopt, and promulgate rules in the manner provided in the
 20 Administrative Procedure Act ~~and in accordance with the provisions of R.S.~~
 21 ~~46:1806(B). The rules shall contain specific guidelines which shall establish the~~
 22 ~~reasonable costs to be reimbursed for all healthcare services or expenses ancillary~~
 23 ~~to a forensic medical examination.~~ as necessary to carry out the business of the board
 24 or the provisions of this Chapter.

25 ~~(8) Take actions and perform other functions as are required by Chapter 21-~~
 26 ~~A of this Title or necessary to perform its purposes.~~

27 C. ~~The~~ In the performance of its powers and duties, the board also may do
 28 all of the following:

29 ~~(1) Promulgate rules and regulations necessary to carry out its business or~~
 30 ~~the provisions of this Chapter.~~

1 A. Upon receipt of one or more applications for ~~reparations~~ compensation
 2 resulting from the same crime, the board shall examine ~~the~~ each application to
 3 determine that it is complete and shall schedule ~~all of such claims~~ each application
 4 for consideration at the same time. If the board determines that a hearing is
 5 necessary ~~to~~ for a decision in the matter, it shall fix the day, time, and place ~~thereof~~
 6 of the hearing and shall notify the claimant or claimants and ~~such~~ any other persons
 7 as who have indicated a desire to be present or that the board desires to hear from.
 8 The notice shall be in writing and shall be mailed by certified mail at least ten days
 9 prior to the day that is fixed for the hearing.

10 B. Hearings ~~shall be~~ are open to the public ~~unless~~ except in a any particular
 11 case where the board determines that all or part of the hearing should be closed; after
 12 taking into consideration the fact that an accused has not been convicted or that a
 13 closed hearing is in the best interest of the victim. The ~~applicant~~ victim or claimant
 14 may appear, ~~and~~ be heard, and present evidence on his own behalf or through
 15 counsel or legal representative. Any person who has a substantial interest in the
 16 proceedings, as determined by the board, may appear before the board and ~~shall have~~
 17 has the right to introduce evidence and cross examine witnesses.

18 C. The members of the board and the attorney representing the board, if any,
 19 may question and cross examine witnesses. The board may bring ~~before it~~
 20 physicians or other experts before it to examine any victim or claimant. The board
 21 may receive in evidence any statement, document, information, or matter that it
 22 believes may contribute to the purposes of the hearing or to any of its deliberations,
 23 ~~whether or not~~ regardless of whether a hearing is held ~~and whether or not any of~~
 24 ~~them~~ or whether the evidence before the board would be admissible in court.

25 §1809. Criteria for making awards; prohibitions; authority to deny or reduce awards

26 A. The board shall ~~order the payment of reparations~~ award compensation in
 27 an amount determined by it the board if, with or without hearings, it the board finds
 28 all of the following by a preponderance of the evidence:

1 (1) ~~that~~ The pecuniary loss was ~~sustained~~ incurred by the victim or ~~other~~
2 claimant by reason of the personal injury, ~~death, or catastrophic property loss or~~
3 death suffered by the victim ~~and that such~~.

4 (2) The pecuniary loss was proximately caused by a crime ~~enumerated in~~
5 R.S. 46:1805 ~~and that such~~ covered under this Chapter.

6 (3) The pecuniary loss has or will not be compensated from any collateral
7 ~~or other~~ source.

8 B. In making its determination, the following provisions ~~shall~~ apply:

9 (1) ~~☆~~ For the purposes of considering an application for an award of
10 compensation pursuant to this Chapter, finding by the board, for purposes of
11 ~~considering an application for award under this Chapter,~~ that the commission of a
12 crime ~~enumerated in R.S. 46:1805(A)~~ covered under this Chapter resulted in a
13 pecuniary loss ~~covered by this Chapter~~ shall be a sufficient finding with respect to
14 the crimes giving rise to the application for a ~~reparations~~ compensation award.
15 However, the board may make a partial eligibility determination on an application
16 prior to the incurring of a pecuniary loss by the victim or ~~other~~ claimant. ~~When one~~
17 ~~part of an award is denied, the board shall favor a partial award over the total denial.~~
18 An ~~order for reparations~~ award of compensation may be made whether or not any
19 person is arrested, prosecuted, or convicted of the crime giving rise to the application
20 for ~~reparations~~ compensation. The board may suspend proceedings in the interest
21 of justice if a civil or criminal action arising from such act or omission constituting
22 the crime is pending or imminent.

23 (2) Conviction of an offender of a crime giving rise to the application for
24 ~~reparations~~ compensation under this Chapter shall be conclusive evidence that the
25 crime was committed.

26 (3)(a) No award of ~~reparations~~ compensation shall be made if the board finds
27 that either of the following have occurred:

28 (i) The victim or claimant failed or refused to cooperate substantially with
29 reasonable requests of appropriate law enforcement officials during the course of the
30 criminal investigation.

1 (ii) A totality of the circumstances ~~indicate~~ indicates that the victim or
 2 claimant was the offender or an accessory, or that an award to the victim or claimant
 3 would unjustly benefit ~~any of them~~ the offender or an accessory. However, such
 4 ineligibility ~~shall~~ does not apply if the ~~claimant is a victim of~~ application for
 5 compensation results from a human trafficking or trafficking of children for sexual
 6 purposes trafficking-related offense.

7 (b) The ineligibility provisions provided ~~for~~ in Items (a)(i) and (ii) of this
 8 Paragraph ~~shall~~ do not apply if the ~~claim~~ application for ~~reparations~~ compensation
 9 results from a sexually oriented criminal offense.

10 (4) The board may deny or reduce an award as follows:

11 (a) If a totality of the circumstances ~~indicate~~ indicates that the behavior of
 12 the victim at the time of the crime giving rise to the ~~claim~~ application was such that
 13 the victim bears some measure of responsibility for the crime ~~that caused the~~
 14 ~~physical injury, death, or catastrophic property loss or for the physical injury, death,~~
 15 ~~or catastrophic property loss~~. However, such the ineligibility shall provided in this
 16 Subparagraph does not apply if the ~~claimant is a victim~~ suffered personal injury or
 17 death as a direct result of a human trafficking-related offense ~~as defined by R.S.~~
 18 ~~46:1805 or a sexually oriented criminal offense as defined by R.S. 15:622~~.

19 ~~(b) To the extent that the pecuniary loss is recouped from collateral or other~~
 20 ~~sources:~~

21 ~~(c)~~ (b) If it the board finds that the vehicle operated by the victim was
 22 without security as required by R.S. 32:861.

23 ~~(d)~~ (c) If it the board finds that the victim was not wearing a safety belt in
 24 compliance with R.S. 32:295.1.

25 ~~(e)~~ (d) If it the board finds that the victim was a willing passenger in a motor
 26 vehicle, ~~boat~~ watercraft, or aircraft that was operated by ~~an individual~~ a person who
 27 was in violation of R.S. 14:98, ~~or~~ 98.1, 98.2, 98.3, 98.4, or 98.6.

28 (5) No reparations compensation of any kind shall be awarded ~~under this~~
 29 ~~Chapter~~ to a victim ~~who is injured or killed~~ or claimant if the victim suffers personal
 30 injury or death as a direct result of a crime covered under this Chapter while

1 confined in any state, parish, or city jail, prison, or other correctional facility as a
 2 result of a conviction of any crime. ~~However, if, prior to a conviction, the victim~~
 3 ~~was injured or killed while incarcerated, the board may deny reparations if it is~~
 4 ~~subsequently determined that the victim was guilty of the offense which resulted in~~
 5 ~~his incarceration.~~

6 C. No victim or dependent shall be denied ~~reparations~~ compensation solely
 7 because he ~~or she~~ is a relative of the offender or was living with the offender at the
 8 time of the ~~injury or death~~ commission of the crime. However, ~~reparations~~
 9 compensation may be awarded to a victim or dependent who is a relative, family
 10 member, or household member of the offender at the time of the award only if it can
 11 be reasonably determined that the offender will receive no substantial economic
 12 benefit or unjust enrichment from the award.

13 D.(1) When a victim applies for the recovery of restitution pursuant to R.S.
 14 46:1806(F), the board shall order the payment of the restitution to the victim if all
 15 of the following conditions apply:

16 * * *

17 (b) The restitution payments were directed to the ~~Crime Victims Reparations~~
 18 Victims' Compensation Fund pursuant to R.S. 15:574.4.2(C)(1)(b).

19 (2) When the board orders payment pursuant to ~~the provisions of Paragraph~~
 20 (1) of this Subsection, the provisions of Subsections A and B of this Section
 21 regarding criteria for and determinations of eligibility for ~~reparations~~ compensation
 22 and determinations of the amount of ~~reparations~~ compensation do not apply.

23 E. No victim or claimant shall be denied or otherwise deemed ineligible for
 24 ~~reparations~~ compensation pursuant to this Chapter, nor shall any award ~~for~~
 25 ~~reparations~~ of compensation pursuant to this Chapter be reduced; on the basis ~~that~~
 26 ~~the~~ of any of the following:

27 (1) The victim or claimant has any conviction or adjudication of
 28 delinquency, ~~on the basis that the~~ unrelated to the crime that would otherwise
 29 warrant an award of compensation pursuant to this Chapter.

1 ~~(2) The~~ victim or claimant is currently on probation or parole,~~or on the basis~~
2 ~~that the~~ unrelated to the crime that would otherwise warrant an award of
3 compensation pursuant to this Chapter.

4 ~~(3) The~~ victim or claimant has previously served any sentence of
5 incarceration, probation, or parole unrelated to the offense for which reparations
6 crime that would otherwise be awarded warrant an award of compensation pursuant
7 to this Chapter.

8 §1810. ~~Amount of reparations award~~ Limits on compensation

9 ~~A. Awards payable under this Chapter shall not exceed fifteen thousand~~
10 ~~dollars in the aggregate for all claims arising out of the same crime except for those~~
11 ~~victims who are permanently, totally, or permanently and totally disabled as a result~~
12 ~~of the crime, the aggregate award shall not exceed twenty-five thousand dollars.~~

13 ~~B. In no case shall the total aggregate of awards given during any fiscal year~~
14 ~~to claimants residing in the same parish exceed the total amount of costs levied,~~
15 ~~collected, and remitted by that parish to the Louisiana Commission on Law~~
16 ~~Enforcement and Administration of Criminal Justice as required by R.S. 46:1816(D)~~
17 ~~for the preceding two fiscal years prior to the date of the crime to which this Chapter~~
18 ~~applies, or ten thousand dollars, whichever is greater. This Subsection shall not~~
19 ~~apply if the board determines that a qualified claimant would suffer severe and undue~~
20 ~~hardship if economic relief is not provided.~~ Awards payable to all claimants for
21 pecuniary losses incurred by reason of personal injury or death suffered by any one
22 victim as a direct result of a crime covered under this Chapter shall not exceed the
23 following amounts:

24 (1) Fifteen thousand dollars in the aggregate.

25 (2) Twenty-five thousand dollars in the aggregate if the personal injury
26 suffered by a victim results in a permanent and total disability to the victim.

27 §1811. ~~Reparation~~ Compensation order; terms and conditions

28 A. The board may order the payment of an award in a lump sum or in
29 installments. ~~That~~ The part of an award equal to the amount of the pecuniary loss
30 accrued to the date of the award shall be paid in a lump sum. In all other respects,

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 the board shall determine all matters respecting the payment of awards; consistent
2 with the provisions of this Chapter.

3 B.(1) The board shall deduct from any award ordered any amounts received
4 from a collateral source ~~from any payments it orders any amounts received from any~~
5 ~~collateral source.~~

6 (2) If a victim or claimant receives payment from a collateral source after
7 receiving an award from the Crime ~~Victims Reparations~~ Victims' Compensation
8 Fund, then the victim or claimant shall reimburse the Crime Victims' Compensation
9 Fund to the extent the total amount received exceeds the actual loss experienced ~~the~~
10 ~~claimant shall reimburse the Crime Victims Reparations Fund, through the board.~~
11 The reimbursement provided in this Subparagraph shall be submitted through the
12 board.

13 C. The state treasurer shall pay ~~to the person named in the order of payment~~
14 ~~of reparations the amount named therein in accordance with the provisions of such~~
15 the amount contained in the compensation order to the person or service provider
16 named in the order in accordance with the provisions of the order.

17 * * *

18 §1812. Finality of decision

19 A decision or order of the board ~~with respect to~~ regarding any application or
20 claim for ~~reparations shall be~~ compensation is subject to review in accordance with
21 ~~the provisions of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950.~~

22 §1813. Emergency awards

23 A. If it appears to the board prior to its taking action on a claim that an award
24 ~~likely will be made and that undue hardship will result to the claimant if no~~
25 ~~immediate economic relief is provided, the board may make an emergency award to~~
26 ~~the claimant pending its final decision in the case. The amount of an emergency~~
27 ~~award shall not exceed one thousand dollars. The board may make an emergency~~
28 award, pending a final decision on an application for compensation, for a pecuniary
29 loss that is incurred if all of the following are likely to occur:

1 (1) A final award will be made in accordance with the provisions of this
2 Chapter.

3 (2) The claimant will suffer undue hardship if immediate economic relief is
4 not obtained.

5 B. An emergency award shall not exceed one thousand dollars.

6 ~~B. C.~~ The amount of any an emergency award made to the claimant shall be
7 deducted from any the final award made to the claimant receiving the emergency
8 award. The claimant shall repay to the board the excess amount of the emergency
9 award over that exceeds the final award, or the full amount if no final award is made.
10 ~~However, the board may waive all or part of the repayment if in its judgment~~
11 ~~repayment would cause severe financial hardship.~~

12 §1814. Effect of ~~reparations~~ compensation award on right to recover damages in
13 civil action; repayment of award

14 A. An order for ~~reparations payments under~~ compensation pursuant to this
15 Chapter ~~shall~~ does not affect the right of any person to institute a civil suit to recover
16 damages for the personal injury, ~~death, or catastrophic property loss or death suffered~~
17 by the victim from any other person or third party. However, if damages in a civil
18 action are recovered; from the offender or any other third party, the person shall
19 reimburse the Crime ~~Victims Reparations~~ Victims' Compensation Fund, through the
20 board, in an amount equal to the amount of the ~~reparations award~~ compensation
21 awarded or such lesser amount as is recovered in damages in the civil action.

22 B. When any person who has received an award from the board files a civil
23 action to recover damages, he shall, ~~at the time of the filing of the suit,~~ notify the
24 board and the attorney general at the time of the filing of the civil suit.

25 §1815. Recovery from the ~~criminal~~ offender

26 A.(1) ~~Whenever any person is convicted of a crime and an order for the~~
27 ~~payment of reparations is or has been made under this Chapter for a personal injury,~~
28 ~~death, or catastrophic property loss resulting from the act or omission constituting~~
29 ~~the crime for which conviction was had, the attorney general, within one year after~~
30 ~~the date on which the judgment of conviction becomes final, may institute a civil~~

1 (4) All monies received from any action to recover damages for a crime
2 ~~which~~ that was the basis of ~~a reparations~~ an award of compensation under this
3 Chapter.

4 (5) Any restitution paid by an offender to a victim for damages for a crime
5 ~~which~~ that was the basis of ~~a reparations~~ an award of compensation under this
6 Chapter, and any restitution payments owed to a victim as a condition of an
7 offender's release on parole but directed to the fund pursuant to R.S.
8 15:574.4.2(C)(1)(b).

9 * * *

10 (8) Monies deposited by the state treasurer from the collection of unclaimed
11 prize money as provided for in R.S. 4:176 and R.S. 27:94, 252, 394, and 610, ~~which~~
12 ~~shall be used exclusively to pay the expenses associated with healthcare services of~~
13 ~~victims of sexually oriented criminal offenses, including forensic medical~~
14 ~~examinations as defined in R.S. 15:622.~~

15 C.(1) Except as provided in Paragraphs (2) and (3) of this Subsection, all
16 monies deposited in the fund shall be used solely to pay ~~reparation awards~~
17 compensation awarded to victims or claimants pursuant to this Chapter and the state
18 treasurer shall make disbursements ~~therefrom shall be made by the state treasurer~~
19 from the fund upon written order of the board, signed by the chairman, or a court.

20 (2)(a) Monies received from the collection of unclaimed prize money as
21 provided for in R.S. 4:176 and R.S. 27:94, 252, ~~and 394, and 610~~ shall be used
22 exclusively to pay the expenses associated with healthcare services of victims of
23 sexually oriented criminal offenses, including forensic medical examinations ~~as~~
24 defined in R.S. 15:622, and the reasonable costs to effectuate the purposes of this
25 Chapter. The reasonable costs authorized in this Paragraph are limited to a salary for
26 one additional full-time employee.

27 (b) ~~Notwithstanding Subparagraph (a) of this Paragraph, for state Fiscal~~
28 ~~Years 2020-2021, 2021-2022, and 2022-2023, monies received from the collection~~
29 ~~of unclaimed prize money as provided for in R.S. 4:176 and R.S. 27:94, 252, and 394~~
30 ~~shall be used exclusively to pay the expenses associated with healthcare services of~~

1 victims of sexually oriented criminal offenses, including forensic medical
2 examinations as defined in R.S. 15:622, lost earnings, and the reasonable costs of
3 administering this Section. Such reasonable costs include salary for one full-time
4 employee, salary for one part-time employee, equipment, operating expenses, and
5 software support.

6 (3) Monies directed to the fund pursuant to R.S. 15:574.4.2(C)(1)(b) may
7 shall be used to pay restitution owed to a victim pursuant to R.S. 15:574.4.2(C)(1)(a)
8 who applies for recovery of the restitution funds pursuant to the provisions of this
9 Chapter.

10 D.(1)

11 * * *

12 (b) The recipient of the costs shall remit all collected costs ~~so collected~~ to the
13 Louisiana Commission on Law Enforcement and Administration of Criminal Justice
14 on or before the first day of each calendar month to be deposited in the state
15 treasurer's account for credit to the ~~Crime Victims Reparations Fund~~ fund after
16 meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana.
17 The state treasurer shall invest the monies in this the fund ~~shall be invested by the~~
18 ~~state treasurer~~ in the same manner as monies in the state general fund, and interest
19 earned on the investment of these monies shall be credited to the fund following
20 compliance with the requirement of Article VII, Section 9(B) relative to the Bond
21 Security and Redemption Fund.

22 (2) Notwithstanding the provisions of Subsection C of this Section, monies
23 deposited in the ~~Crime Victims Reparations Fund~~ fund may be used to pay
24 reasonable costs of administering this Chapter. Disbursement of funds to pay such
25 costs shall be made only on written authorization of the chairman or vice chairman
26 of the board.

27 E.

28 * * *

29 (2) The recipient of the costs shall remit all costs ~~so~~ collected pursuant to this
30 Subsection and other provisions of this Section to the Louisiana Commission on Law

1 Enforcement and Administration of Criminal Justice on or before the first day of
 2 each calendar month to be deposited in the state treasurer's account for credit to the
 3 ~~Crime Victims Reparations Fund~~ fund after meeting the requirements of Article VII,
 4 Section 9 of the Constitution of Louisiana. The state treasurer shall invest the
 5 monies in ~~this~~ the fund ~~shall be invested by the state treasurer~~ in the same manner
 6 as monies in the state general fund, and interest earned on the investment of these
 7 monies shall be credited to the fund following compliance with the requirement of
 8 Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond
 9 Security and Redemption Fund. The amount of money generated by the two dollar
 10 fee included in the ~~Crime Victims Reparation Fund~~ fund shall be used by the
 11 Louisiana Commission on Law Enforcement and Administration of Criminal Justice
 12 to train local law enforcement officers and to provide assistance to local law
 13 enforcement agencies.

14 §1817. Notification to potential applicants

15 A.~~(1)~~ Every hospital licensed under the laws of this state shall ~~display~~
 16 prominently prominently display posters in its emergency room ~~posters giving that~~
 17 provide notification of the existence of the crime ~~victims reparations~~ victims'
 18 compensation program. The board shall ~~set standards for the location of the display~~
 19 ~~and shall provide~~ the posters and general information regarding this Chapter to each
 20 hospital.

21 ~~(2) Every hospital and healthcare provider licensed under the laws of this~~
 22 ~~state shall make available to hospitals and healthcare providers a pamphlet~~
 23 ~~containing an explanation of the billing process for services rendered pursuant to the~~
 24 ~~provisions of R.S. 40:1300.41.~~

25 B. Application forms provided by the board shall be made available to
 26 ~~individuals~~ a person upon request at ~~the~~ a parish sheriff's office.

27 * * *

28 §1818. Report to legislature and governor

29 The board shall submit an annual report to the legislature and the governor
 30 detailing its activities during the preceding year. The report shall be made available

1 electronically on the website of the Louisiana Commission on Law Enforcement and
 2 Administration of Criminal Justice. A sufficient number of copies shall be printed
 3 for distribution to the governor, the chairman of the House Committee on Judiciary,
 4 the chairman of the Senate Committee on Judiciary C, and to as many others as may
 5 be requested.

6 §1819. Penalty for fraud

7 A. No person shall procure or counsel another person to procure ~~reparations~~
 8 ~~under compensation pursuant to the provisions of this Chapter by any fraud. The~~
 9 ~~penalty for the violation of~~

10 B. ~~Whoever violates~~ the provisions of this Section shall be ~~a fine of~~ fined not
 11 more than five hundred dollars or ~~imprisonment~~ imprisoned for not more than ~~one~~
 12 ~~year~~ six months, or both.

13 §1820. Attorney fees

14 ~~As part of an order resulting from a hearing, the~~ The board shall determine
 15 and award reasonable ~~attorney's~~ attorney fees, ~~commensurate~~ as part of an order that
 16 results from a hearing and proportionate with the services rendered, to be paid from
 17 the ~~fund~~ Crime Victims' Compensation Fund in accordance with rules adopted by the
 18 board. ~~Additional attorney's~~ A court may award additional attorney fees ~~may be~~
 19 ~~awarded by a court~~ in the event of a review by the court in which the claimant
 20 prevails. ~~Attorney's~~ Attorney fees may be denied on a finding that the claim or
 21 appeal is frivolous. Awards of ~~attorney's~~ attorney fees shall be in addition to ~~awards~~
 22 ~~of reparations~~ compensation awarded and may be made regardless of whether ~~or not~~
 23 compensation is awarded. ~~In no event shall an~~ No award of ~~attorney's~~ attorney fees
 24 ~~be in excess of~~ shall exceed a rate of fifty dollars per hour.

25 §1821. Limited liability of the state

26 The state ~~shall not be~~ is not liable for the claim of any ~~applicant~~ victim or
 27 claimant in excess of the funds appropriated for the payment of claims under this
 28 Chapter.

1 §1822. Forensic medical ~~exams~~ examinations; reimbursement

2 A. The ~~board shall reimburse~~ a healthcare provider who ~~performs~~ conducted
3 a forensic medical ~~exam~~ examination shall be reimbursed in the amount of six
4 hundred dollars. The ~~board shall reimburse the~~ healthcare facility ~~at which a~~ where
5 the forensic medical ~~exam~~ examination was conducted ~~for the cost of performing the~~
6 ~~exam~~ shall be reimbursed in the amount of one thousand dollars.

7 B. In order to be reimbursed for the costs of ~~performing~~ conducting a
8 forensic medical ~~exam~~ examination, the healthcare provider or ~~the~~ healthcare facility
9 seeking reimbursement shall submit ~~to the board~~ an attestation that a forensic
10 medical ~~exam~~ examination was conducted. The attestation shall contain only
11 sufficient information to identify the victim, the date that the ~~exam~~ examination was
12 ~~performed~~ conducted, and the address ~~to which~~ where payment can be made for the
13 healthcare provider or healthcare facility. The ~~board shall not require~~ healthcare
14 provider or healthcare facility is not required to submit any billing documentation
15 or medical records ~~from the healthcare provider or the healthcare facility~~ as a
16 condition of payment under the provisions of this Section.

17 C. A request for reimbursement by a healthcare provider or healthcare
18 facility for ~~the performance of~~ conducting a forensic medical ~~exam~~ examination
19 does not constitute ~~reparations~~ an award of compensation and ~~therefore shall be~~
20 ~~immediately payable and~~ does not require approval any order, decision, or
21 determination from the board as a condition of payment. ~~The board shall direct~~ The
22 personnel employed by the Louisiana Commission on Law Enforcement and
23 Administration of Criminal Justice to carry out the functions of the board and
24 effectuate the purposes of this Chapter have sole authority to make any decision or
25 determination regarding a request for reimbursement. A payment ~~to~~ shall be made
26 to a the healthcare provider or healthcare facility no later than thirty calendar days
27 from the date that the attestation is submitted ~~to the board by the healthcare provider~~
28 ~~or healthcare facility~~.

29 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §1842. Definitions

2 In this Chapter, the following terms have the following meanings:

3 * * *

4 (9) "Judicial agency" means the district court and officers thereof, including
5 the judge, the prosecutor, and the clerk of court, the Crime ~~Victims Reparations~~
6 Victims' Compensation Board, the Department of Public Safety and Corrections, and
7 the division of probation and parole.

8 * * *

9 §1844. Basic rights for victim and witness

10 * * *

11 V. Crime victim's assistance hotline. In furtherance of the purposes of this
12 Section, a statewide crime victim's assistance hotline may be established. The Crime
13 ~~Victims Reparations~~ Victims' Compensation Board along with the Louisiana
14 Commission on Law Enforcement and Administration of Criminal Justice shall
15 jointly operate the hotline and periodically review the criteria and implementation
16 procedures of ~~said~~ the hotline.

17 W. Confidentiality of crime victims who are minors, victims of sex offenses,
18 and victims of human trafficking-related offenses.

19 (1)(a) In order to protect the identity and provide for the safety and welfare
20 of crime victims who are minors under the age of eighteen years and of victims of
21 sex offenses or human trafficking-related offenses, notwithstanding any provision
22 of law to the contrary, all public officials and officers and public agencies, including
23 but not limited to all law enforcement agencies, sheriffs, district attorneys, judicial
24 officers, clerks of court, the Crime ~~Victims Reparations~~ Victims' Compensation
25 Board, and the Department of Children and Family Services or any division ~~thereof~~
26 of the department, shall not publicly disclose the name, address, contact information,
27 or identity of crime victims who at the time of the commission of the offense are
28 minors under eighteen years of age or of victims of sex offenses or human
29 trafficking-related offenses, regardless of the date of commission of the offense. The
30 confidentiality of the identity of the victim who at the time of the commission of the

1 offense is a minor under eighteen years of age or the victim of a sex offense or
 2 human trafficking-related offense may be waived by the victim. The public
 3 disclosure of the name of the juvenile crime victim by any public official or officer
 4 or public agency is not prohibited by this Subsection when the crime resulted in the
 5 death of the victim. Nothing in this Subsection shall be construed to require the
 6 redaction of a victim's name when the named victim is the one requesting such
 7 documents, reports, or any other records.

8 * * *

9 (3) Notwithstanding any other provision of law to the contrary, all public
 10 officials, officers, and public agencies, including but not limited to all law
 11 enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court,
 12 the Crime ~~Victims Reparations~~ Victims' Compensation Board, and the Department
 13 of Children and Family Services or any division ~~thereof~~ of the department, charged
 14 with the responsibility of knowing the name, address, contact information, and
 15 identity of crime victims who are minors or of crime victims of a sex offense or a
 16 human trafficking-related offense as a necessary part of their duties shall have full
 17 and complete access to this information regarding a crime victim who is a minor or
 18 a victim of a sex offense or a human trafficking-related offense. Either prior to or
 19 at the time of a request for information, the public official or officer or public agency
 20 shall take measures to prevent the public disclosure of the name, address, contact
 21 information, or identity of such a crime victim who is a minor or a victim of a sex
 22 offense or human trafficking-related offense, which may include the use of initials,
 23 abbreviations, or any other form of concealing the identity of the victim on all public
 24 documents.

25 * * *

26 (5)(a) In order to provide for the safety and welfare of victims of crimes
 27 against family members, household members, or dating partners, notwithstanding
 28 any provision of law to the contrary, all public officials and officers and public
 29 agencies, including but not limited to all law enforcement agencies, sheriffs, district
 30 attorneys, judicial officers, clerks of court, the Crime ~~Victims Reparations~~ Victims'

1 ordered by a court with notice to all interested parties and an opportunity for a
2 hearing, shall be used to satisfy in the following order:

3 * * *

4 (2) A money judgment rendered by a court or an award of ~~reparations~~
5 compensation by the Crime ~~Victims Reparations~~ Victims' Compensation Board in
6 favor of a victim of the defendant's crime.

7 * * *

8 C. At the end of the ten-year period provided ~~for~~ in Subsection A of this
9 Section, the remaining escrow account funds shall be paid into the Crime ~~Victims~~
10 ~~Reparations~~ Victims' Compensation Fund as provided ~~for~~ by R.S. 46:1816.
11 However, if a civil action is pending against the defendant that would be eligible to
12 be satisfied out of the escrow account, then the funds shall be held in escrow until
13 completion of the action.

14 * * *

15 Section 10. Code of Criminal Procedure Article 890.2(D) is hereby amended and
16 reenacted to read as follows:

17 Art. 890.2. Fines for individual defendants

18 * * *

19 D. The amount of reimbursement ~~under~~ in accordance with this Article shall
20 not be in excess of the per capita cost of care for maintaining inmates in the state
21 correctional facility in which the inmate is housed. The funds collected from the
22 fines imposed pursuant to this Article shall be distributed to the entity that expended
23 the funds. However, ten percent of the funds shall go to the Crime Victims'
24 ~~Reparation~~ Compensation Fund as provided in R.S. 46:1816.

25 Section 11. Children's Code Articles 811.1(A)(introductory paragraph) and (7) and
26 811.2(D) are hereby amended and reenacted to read as follows:

27 Art. 811.1. Rights of the victim of alleged delinquent act

28 A. The juvenile court, district attorneys, and law enforcement agencies shall
29 provide the following services to victims of alleged delinquent acts, ~~providing~~
30 provided that the victim reported the act to law enforcement authorities within

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