

2015 Regular Session

HOUSE BILL NO. 82

BY REPRESENTATIVE CHANEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

JUVENILES/DELINQUENTS: Provides relative to the payment of restitution for damages caused by the delinquent act of the child

1 AN ACT

2 To amend and reenact Children's Code Articles 897(B)(2)(c) and 899(B)(introductory
3 paragraph) and (2)(c), relative to restitution; to provide relative to the payment of
4 restitution for damages caused by the delinquent act of a child; to authorize the court
5 to order the parents, tutor, guardian, or legal custodian of a child to pay restitution
6 for acts committed by the child; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Articles 897(B)(2)(c) and 899(B)(introductory paragraph)
9 and (2)(c) are hereby amended and reenacted to read as follows:

10 Art. 897. Disposition after adjudication of a felony-grade delinquent act

11 * * *

12 B. As conditions of probation, if ordered pursuant to Subparagraph (A)(3)
13 of this Article:

14 * * *

15 (2) The court may impose any other term and condition deemed in the best
16 interests of the child and the public, including:

17 * * *

18 (c) A requirement that the child make reasonable restitution to any victim for
19 any personal or property damage caused by the child in the commission of the
20 delinquent act. If the child is personally unable to make restitution, the parents,

1 tutor, guardian, or legal custodian of the child shall be liable for payment of the
2 restitution. A court may waive payment of the restitution, or any part thereof, by the
3 parents, tutor, guardian, or legal custodian of the child upon a finding of good cause.

4 * * *

5 Art. 899. Disposition after adjudication of a misdemeanor-grade delinquent act

6 * * *

7 B. As conditions of probation, if ordered pursuant to Subparagraph ~~A~~(A)(3)
8 of this Article:

9 * * *

10 (2) The court may impose any other term and condition deemed in the best
11 interests of the child and the public, including:

12 * * *

13 (c) A requirement that the child make reasonable restitution to any victim for
14 any personal or property damage caused by the child in the commission of the
15 delinquent act. If the child is personally unable to make restitution, the parents,
16 tutor, guardian, or legal custodian of the child shall be liable for payment of the
17 restitution. A court may waive payment of the restitution, or any part thereof, by the
18 parents, tutor, guardian, or legal custodian of the child upon a finding of good cause.

19 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

HB 82 Original

2015 Regular Session

Chaney

Abstract: Authorizes the court to order the parents, tutor, guardian, or legal custodian of a child to pay restitution for damages caused by the delinquent act of a child.

Present law (Ch.C. Articles 897(B)(2)(c) and 899(B)(2)(c)) authorizes the court to order a child to pay restitution, as a condition of probation for the commission of a felony- or misdemeanor-grade delinquent act, for any personal or property damage caused by the child in the commission of the delinquent act.

Present law (C.C. Art. 2318) provides that in civil cases, the father and the mother are responsible for the damage occasioned by their minor child, unless the minor child has been emancipated by marriage or judgment.

Proposed law retains present law and provides that if a child is ordered to pay restitution as a condition of probation for the commission of a delinquent act and the child cannot personally make payment, the parents, tutor, guardian, or legal custodian of the child shall be liable for payment of the restitution. Proposed law authorizes the court to waive payment of the restitution, or any part thereof, upon a finding of good cause.

(Amends Ch.C. Arts. 897(B)(2)(c) and 899(B)(intro. para.) and (2)(c))