

2017 Regular Session

HOUSE BILL NO. 286

BY REPRESENTATIVE SMITH

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

CRIMINAL/RESTITUTION: Provides for the payment of restitution to the Crime Victims Reparations Fund in certain cases

1 AN ACT

2 To amend and reenact R.S. 15:574.4.2(C), relative to restitution as a condition of parole; to
3 provide for the payment of restitution to the Crime Victims Reparations Fund in
4 certain cases; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:574.4.2(C) is hereby amended and reenacted to read as follows:

7 §574.4.2. Decisions of committee on parole; nature, order, and conditions of parole;
8 rules of conduct; infectious disease testing

9 * * *

10 C.(1)(a) When a victim of the crime for which parole is being considered has
11 suffered a direct pecuniary loss other than damage to or loss of property, the parole
12 committee may impose as a condition of parole that ~~restitutions~~ restitution be made
13 to the victim ~~be made~~. When such a condition is imposed, the committee shall ~~take~~
14 ~~into account~~ consider the defendant's ability to pay and shall not revoke parole based
15 upon this condition unless the parolee has willfully failed to comply. When the
16 victim's loss consists of damage to or loss of property, the committee shall impose
17 as a condition of parole payment of restitution, either in a lump sum or in monthly
18 installments based on the earning capacity and assets of the defendant. If the victim
19 was paid for such property loss or damage with monies from the Crime Victims
20 Reparations Fund, the committee shall order the parolee to make such payments as

1 reimbursement to the fund in the same amount as was paid from the fund to the
2 victim. This condition of parole shall continue until such time as the restitution is
3 paid or the parolee is discharged from parole in accordance with R.S. 15:574.6.

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

9 (2) Nothing ~~herein~~ in this Subsection shall affect a victim's civil remedy
10 except that funds actually received shall be credited to any civil judgment arising out
11 of the same offense.

12 * * *

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 286 Original 2017 Regular Session Smith

Abstract: Provides for the payment of restitution to the Crime Victims Reparations Fund when the crime victim cannot be located within one year.

Present law authorizes the committee on parole to order restitution to a crime victim when the victim has suffered a direct pecuniary loss other than damage to or loss of property, and requires the committee to order restitution when the victim's loss consists of damage to or loss of property.

Proposed law retains present law and provides that when the victim cannot be located by the probation and parole officer within one year after the condition of restitution is imposed, the defendant shall direct the restitution payments to the Crime Victims Reparations Fund set forth in present law.

(Amends R.S. 15:574.4.2(C))

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