DIGEST

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HB 397 Original   2019 Regular Session   Bagneris

Abstract: Prohibits the court from suspending the driver's license of a defendant who has failed to pay a criminal fine if the defendant is financially unable to pay the fine.

Present law (C.Cr.P. Art. 885.1) provides that when a fine is levied against a person convicted of any criminal offense, including any violation of the La. Highway Regulatory Act or any municipal or parish ordinance regulating traffic, and the defendant is granted an extension of time to pay the fine, the judge of the court having jurisdiction may order the driver's license to be surrendered to the sheriff or official of the court collecting fines for a period of time not to exceed 180 days. If, after expiration of 180 days, the defendant has not paid the fine, the sheriff or official of the court designated to collect fines shall forward the license to the Dept. of Public Safety and Corrections (DPS&C).

Act No. 260 of the 2017 R.S. amends present law to authorize the surrender of a defendant's driver's license only when the defendant is able but has willfully refused to pay the fine. Pursuant to Act No. 260 of the 2017 R.S. and Act No. 137 of the 2018 R.S., these changes to present law become effective Aug. 1, 2019.

Proposed law retains present law, including the change made by Act No. 260 of the 2017 R.S., and provides that notwithstanding any provision of law to the contrary, if the person against whom the fine is levied is financially unable to pay the fine, the provisions of present law shall not apply and the judge of the court shall not order that the person's driver's license be surrendered for failure to pay such fine.

(Adds C.Cr.P. Art. 885.1(E))