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HOUSE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Representative Marino to Engrossed House Bill No. 397 by Representative Bagneris

1 AMENDMENT NO. 1

2 On page 1, line 2, change "enact Code of Criminal Procedure Article 885.1(E)" to "amend
3 and reenact Code of Criminal Procedure Article 885.1"

4 AMENDMENT NO. 2

5 On page 1, line 4, after "fines;" delete the remainder of the line, delete line 5 in its entirety
6 and insert the following:

7 "to authorize the court to grant an extension of time to pay the fine; to
8 authorize the court to order the performance of community service in lieu of
9 payment of the fine; to provide relative to the effectiveness of changes made
10 to Code of Criminal Procedure Article 885.1 by Act No. 260 of the 2017
11 Regular Session of the Legislature; and to provide for related"

12 AMENDMENT NO. 3

13 On page 1, line 8, after "Article" delete the remainder of the line and insert "885.1 is hereby
14 amended and reenacted to read"

15 AMENDMENT NO. 4

16 On page 1, delete line 11 in its entirety and insert the following:

17 "A. When a fine is levied against a person convicted of any criminal
18 offense, including any violation of the Louisiana Highway Regulatory Act
19 or any municipal or parish ordinance regulating traffic, ~~in any municipality~~
20 ~~or in any parish~~ and the court grants the defendant ~~is granted~~ an extension of
21 time to pay the fine, if at the expiration of the extended period granted by the
22 court, the defendant shows that he is financially unable to pay the fine, the
23 judge of the court having jurisdiction ~~may order~~ shall grant the person an
24 extension of time, not to exceed one hundred eighty days, in which to pay the
25 fine, or offer the person, in lieu of paying the fine, the alternative of
26 performing community service as set by the judge.

27 B. If, at the expiration of the one-hundred-eighty-day period granted
28 by the judge pursuant to Paragraph A of this Article, the judge determines
29 that the defendant has either willfully not paid the fine or has not performed
30 the community service, the judge may do either of the following:

31 (1) Order the person's driver's license to be surrendered to the sheriff
32 or official of the court collecting fines, and for a period of time not to exceed
33 one hundred eighty days. If, after expiration of one hundred eighty days, the
34 defendant has not paid the fine, the sheriff or official of the court designated
35 to collect fines shall forward the license to the Department of Public Safety
36 and Corrections.

37 (2) Grant the person an extension of time to either pay the fine or
38 perform the community service.

1 B. ~~Upon receipt of a surrendered driver's license, the sheriff or court~~
2 ~~official responsible for collection of such fines shall issue a temporary permit~~
3 ~~for a period not to exceed one hundred eighty days or for a period of time set~~
4 ~~forth by the judge having jurisdiction. The temporary permits, the procedure~~
5 ~~for distributing such permits, and the rules and regulations associated with~~
6 ~~such permits shall be the same as devised by the Department of Public Safety~~
7 ~~and Corrections as required by R.S. 32:411.1.~~

8 C. ~~If, after expiration of one hundred eighty days, the defendant has~~
9 ~~not paid the fine, the sheriff or official of the court designated to collect fines~~
10 ~~shall forward the license to the Department of Public Safety and Corrections.~~
11 Upon If the person's license is surrendered pursuant to Paragraph (B)(1) of
12 this Article, upon receipt of the defendant's surrendered driver's license, the
13 department shall suspend the driver's license of the defendant. The
14 suspension shall begin when the department receives written notification
15 from the court, and the department shall send immediate written notification
16 to the defendant informing him of the suspension of driving privileges.

17 D. The department shall not reinstate, return, reissue, or renew a
18 driver's license in its possession pursuant to this Article until payment of the
19 fine and any additional administrative cost, fee, or penalty required by the
20 judge having the jurisdiction and any other cost, fee, or penalty required by
21 the department in accordance with R.S. 32:414(H) or other applicable cost,
22 fee, or penalty provision."

23 AMENDMENT NO. 5

24 On page 1, line 15, after "such" delete the remainder of the line and insert the following:

25 "fine, unless the court determines that the defendant is financially able but
26 has willfully refused to pay the fine, or to perform the community service
27 ordered as an alternative to the fine pursuant to the provisions of this Article.

28 Section 2. The provisions of this Act shall become effective on
29 August 1, 2019.

30 Section 3. It is the intent of the legislature that the changes made to
31 Code of Criminal Procedure Article 885.1 in Act No. 260 of the 2017
32 Regular Session of the Legislature, as amended by Act Nos. 137 and 668 of
33 the 2018 Regular Session of the Legislature, shall never go into effect and
34 that the provisions of this Act shall control."