
DIGEST

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HB 288 Original

2021 Regular Session

Magee

Abstract: Relative to the financial obligations of criminal defendants, provides relative to the effective date of Act No. 260 of the 2017 R.S., and specifies the effectiveness of overlapping provisions subsequently amended by Act No. 668 of the 2018 R.S. and Act No. 253 of the 2019 R.S.

Present law (C.Cr.P. Art. 875.1) relative to the financial obligations of criminal offenders was enacted by Act No. 260 of the 2017 R.S. with an effective date of Aug. 1, 2018. Subsequent Acts delayed the effective date of Act No. 260 to Aug. 1, 2021. (See Acts No. 137 and 668 of the 2018 R.S. and Act No. 253 of the 2019 R.S.). Act No. 668 of the 2018 R.S. amended the substance of present law with an effective date of Aug. 1, 2019, which was not amended by the 2019 Act which delayed the effective date of Act No. 260 of the 2017 R.S. to Aug. 1, 2021.

Proposed law retains present law but removes the uncertainty in effective dates by moving present law to a new Article, C.Cr.P. Art. 875.2, from the prior Article, C.Cr.P. Art. 875.1.

Present law (C.Cr.P. Art. 885.1) relative to the suspension of driving privileges for failure to pay criminal fines was amended by Act No. 260 of the 2017 R.S. and by Act No. 253 of the 2019 R.S.

Present law (C.Cr.P. Art. 894.4) relative to the authority of the court to extend probation when the defendant is unable to pay fines, fees, or restitution was amended by Act No. 260 of the 2017 R.S. and by Act No. 668 of the 2018 R.S.

Proposed law retains present law and specifies that the provisions of Act No. 260 of the 2017 R.S. shall become effective on Aug. 1, 2022, except that the provisions of that Act that enacted C.Cr.P. Art. 875.1 and that amended and reenacted C.Cr.P. Art. 885.1(A), (C), and (D) and 894.4 shall never become effective.

Proposed law provides an effective date for certain provisions of Act No. 260 of the 2017 R.S., and provides that certain provisions shall never go into effect. Proposed law recognizes that the provisions of Act No. 668 of the 2018 R.S. which amended and reenacted C.Cr.P. Art. 894.4 and which became effective on Aug. 1, 2019, are in effect, and that the provisions of Act No. 253 of the 2019 R.S. amending and reenacting C.Cr.P. Art. 885.1 and which became effective on Aug. 1, 2019, are in effect.

Proposed law that enacts C.Cr.P. Art. 875.2 and that repeals C.Cr.P. Art. 875.1 shall become effective Aug. 1, 2022.

(Adds C.Cr.P. Art. 875.2; Repeals C.Cr.P. Art. 875.1)