

2021 Regular Session

HOUSE BILL NO. 308

BY REPRESENTATIVE BRYANT

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

CRIMINAL/PROCEDURE: Provides relative to criminal procedure

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 875.1(E) and to repeal Code of
3 Criminal Procedure Articles 875.1(F) and(G) and 887(A), relative to the financial
4 obligations for criminal offenders; to provide relative to restitution; to provide
5 relative to costs; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 875.1(E) is hereby amended to read
8 as follows:

9 Art. 875.1. Determination of substantial financial hardship to the defendant

10 * * *

11 E.(1) If a defendant is ordered to make monthly payments under a payment
12 plan established pursuant to the provisions of Subsubparagraph (D)(1)(b) of this
13 Article, the defendant's outstanding financial obligations resulting from his criminal
14 conviction are forgiven and considered paid-in-full if the defendant makes consistent
15 monthly payments for either twelve consecutive months or consistent monthly
16 payments for half of the defendant's term of supervision, whichever is longer.

17 (2) Restitution shall not be forgiven pursuant to this Article.

18 Section 2. Code of Criminal Procedure Articles 875.1(F) and(G) and 887(A) are
19 hereby repealed in their entirety.

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 308 Original

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Bryant

Abstract: Provides that restitution shall not be forgiven in certain instances, removes the ability to reduce the balance of unpaid restitution to a civil money judgment, and removes the defendant's liability for costs in certain instances.

Present law provides that a defendant's outstanding financial obligation is forgiven and considered paid in full when the defendant has made consistent monthly payments for either twelve consecutive months or consistent monthly payments for half of the term of supervision.

Proposed law provides that restitution shall not be forgiven under present law.

Present law provides that if the defendant has a balance of unpaid restitution at the end of the defendant's term of supervision, the unpaid restitution shall be reduced to a civil money judgement in favor of the person to whom the restitution is owed.

Present law also provides that present law shall apply only to defendants convicted of felonies.

Present law further provides that a defendant convicted of an offense or is the person owing a duty of support in a support proceeding shall be liable for all costs of prosecution and proceeding and present law specifies that the defendant is not liable for costs if the defendant has been acquitted.

Present law allows judges of any court within the state to suspend court costs.

Proposed law repeals present law.

(Amends C.Cr.P. Art. 875.1(E); Repeals C.Cr.P. Arts. 875.1(F) and (G) and 887(A))