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## DIGEST

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HB 51 Original

2022 Regular Session

Goudeau

**Abstract:** Provides relative to the penalties for the crime of vehicular homicide and requires the court to order child support restitution payments to the minor child of the victim of the offense.

Present law provides that the crime of vehicular homicide is the killing of a human being caused by an offender engaged in the operation of any motor vehicle, aircraft, watercraft, or other means of conveyance while the offender was under the influence of alcohol, a controlled dangerous substance, or a combination of both that was a contributing factor to the killing.

Present law also provides penalties for the crime of vehicular homicide.

Proposed law retains present law and proposed law requires the offender to make payments to the victim's minor child until the child reaches the age of 18 or if enrolled and attending high school or a GED test prep program or a postsecondary institution, then payments continue until completion of the program or the child reaches the age of 21, whichever occurs first.

Proposed law provides a list of factors to consider in the determination of the amount of the child support restitution payments.

Proposed law directs the Dept. of Children and Family Services to receive payments from the offender to remit to the surviving spouse or legal guardian of the victim's child.

Proposed law further provides that if a civil suit is brought against the offender prior to a child support restitution order, then a child support restitution order shall not be ordered in accordance with proposed law.

Proposed law specifies that if the court orders child support restitution and a judgment was obtained from a civil suit in favor of the surviving parent or guardian, the child support restitution order may offset the judgment awarded.

(Adds R.S. 14:32.1(E))