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## DIGEST

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HB 442 Original

2022 Regular Session

DuBuisson

**Abstract:** Provides relative to the financial obligations of criminal offenders; prohibits the waiver of payment of restitution.

Present law provides that the purpose of imposing financial obligations on an offender who is convicted of a criminal offense is to hold the offender accountable for his action, to compensate victims for any actual pecuniary loss or costs incurred in connection with a criminal prosecution, to defray the cost of court operations, and to provide services to offenders and victims.

Present law further provides that these financial obligations should not create a barrier to the offender's successful rehabilitation and reentry into society, that financial obligations that cause undue hardship on the offender should be waived, modified, or forgiven, and that creating a payment plan for the offender that is based upon the ability to pay, results in financial obligations that the offender is able to comply with and often results in more money collected.

Present law provides a definition for "financial obligations".

Present law provides that prior to ordering the imposition or enforcement of any financial obligations, the court shall determine whether payment in full of the aggregate amount of all the financial obligations to be imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents.

Present law provides that the defendant may not waive the judicial determination of a substantial financial hardship.

Present law provides that if the court determines that payment in full of the aggregate amount of all financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents, the court shall either waive all or a portion of the financial obligations or order a payment plan that requires the defendant to make a monthly payment to fulfill the financial obligations.

Proposed law retains present law but prohibits waiving any award of restitution.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.Cr.P. Art. 875.1)