

2022 Regular Session

HOUSE BILL NO. 648

BY REPRESENTATIVE HILFERTY

CRIMINAL/VICTIMS: Provides relative to the Crime Victims Reparations Act

1 AN ACT

2 To amend and reenact R.S. 46:1806(A)(1), 1809(B)(1), (3)(a), and (4)(a), 1810(A), and
3 1813(A) and to enact R.S. 46:1802(10)(a)(vi) and (b)(vi), relative to the Crime
4 Victims Reparations Act; to provide relative to definitions; to provide relative to
5 application time periods; to provide relative to documentation; to provide relative to
6 the issuance of reparations awards; to provide relative to reporting requirements; to
7 provide relative to the amount of reparations awards; to provide relative to the
8 amount of emergency awards; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 46:1806(A)(1), 1809(B)(1), (3)(a), and (4)(a), 1810(A), and 1813(A)
11 are hereby amended and reenacted and R.S. 46:1802(10)(a)(vi) and (b)(vi) are hereby
12 enacted to read as follows:

13 §1802. Definitions

14 As used in this Chapter:

15 * * *

16 (10) "Pecuniary loss" means the amount of expense reasonably and
17 necessarily incurred by reason of personal injury, as a consequence of death, or a
18 catastrophic property loss, and includes:

19 (a) For personal injury:

20 * * *

DIGEST

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HB 648 Reengrossed

2022 Regular Session

Hilferty

Abstract: Modifies provisions of the Crime Victims Reparations Act pertaining to applications, eligibility, and awards.

Present law (R.S. 46:1801 et seq.) provides for the Crime Victims Reparations Act.

Present law (R.S. 46:1802) provides for definitions.

Present law (R.S. 46:1802(10)) provides for the definition of "pecuniary loss" as the amount of expense reasonably incurred by reason of personal injury, as a consequence of death, or catastrophic property loss.

Present law (R.S. 46:1802(10)(a)) provides the following as pecuniary losses for personal injury:

- (1) Medical, hospital, nursing, or psychiatric care or counseling, and physical therapy.
- (2) Actual loss of past earnings and anticipated loss of future earnings.
- (3) Care of a child or dependent.
- (4) Counseling or therapy for parents or siblings of a victim of a sexual crime.
- (5) Loss of support for a child victim of a sexual crime not otherwise compensated for as a pecuniary loss.

Proposed law retains present law and adds costs of relocation for claimants who have to relocate as a result of a crime as a pecuniary loss for personal injury.

Present law (R.S. 46:1802)(10)(b)) provides the following as pecuniary losses as a consequence of death:

- (1) Funeral, burial, or cremation expenses.
- (2) Loss of support to one or more dependents not otherwise compensated for.
- (3) Care of a child or children when the victim's surviving spouse or legal custodian or caretakers of the deceased victim's child is engaged in lawful employment.
- (4) Counseling or therapy for surviving family members and victim's close relationships.
- (5) Crime scene cleanup.

Proposed law retains present law and adds costs of relocation due to the death of the victim as a pecuniary loss as consequence of death.

Present law (R.S. 46:1806) provides for application for reparation requirements. Provides for the requirement that an application for reparations be filed within one year of the date of the personal injury, death, or catastrophic property lost.

Proposed law retains present law.

Present law provides that the application for reparations shall only be valid if the act resulting in the personal injury, death, or catastrophic property loss was reported to appropriate law enforcement officers within 72 hours after the date of the act.

Proposed law changes present law and requires the application be submitted with reasonable documentation.

Proposed law defines "reasonable documentation".

Present law (R.S. 46:1809) provides for the criteria of making awards for payment of reparations. Provides that the board may make partial eligibility determination on an application prior to the victim or other claimant incurring a pecuniary loss.

Proposed law retains present law and adds that when one part of the reparations award is denied, the board shall prefer a partial award over total denial of the award.

Present law provides that a reparations award shall be made when:

- (1) The claimant failed to report the crime within 72 hours.
- (2) The claimant failed or refused to cooperate substantially with reasonable requests by officers.
- (3) The offender may be enriched.
- (4) The claimant was the offender or an accessory and would unjustly benefit them. Present law does not apply if claimant is a victim of trafficking.
- (5) The claim was not timely filed.
- (6) The crime was committed prior to the effective date of the Crime Victims Reparations Act (effective July 17, 1982).

Proposed law repeals present law but retains provisions of present law that provide that reparations awards may be rewarded when the board finds that:

- (1) The claimant failed or refused to cooperate substantially with reasonable requests by officers.
- (2) The totality of the circumstances indicate that the claimant was the offender or an accessory and would unjustly benefit them. Present law does not apply if claimant is a victim of trafficking.

Present law provides that the board may deny or reduce an award in multiple circumstances including if the behavior of the victims bears some responsibility for the crime that caused the physical injury, death, or catastrophic property loss. Present law does not apply if claimant is a victim of a human trafficking-related offense or sexually-oriented criminal offense.

Proposed law retains present law and provides that the board may evaluate the totality of the circumstances when determining whether to reduce or deny an award.

Present law (R.S. 46:1810) provides for the amount of reparations award. Provides that awards shall not exceed \$10,000 in the aggregate for all claims arising out of the same crime, except that awards shall not exceed \$25,000 for victims who are permanently disabled as a result of the crime.

Proposed law retains present law and changes the amount of the award from \$10,000 to \$15,000 in the aggregate for all claims arising out of the same crime.

Present law provides for emergency reparations awards while the final decision is pending. Provides for an emergency award of up to \$500.

Proposed law changes present law to provide for an emergency award of up to \$1,000.

(Amends R.S. 46:1806(A)(1), 1809(B)(1), (3)(a), and (4)(a), 1810(A), and 1813(A); Adds R.S. 46:1802(10)(a)(vi) and (b)(vi))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Restore provisions of present law.
2. Add language that states that the Crime Victims Reparations Board may evaluate the totality of the circumstances when determining whether to reduce or deny an award.
3. Change the amount of the award from \$10,000 to \$15,000 in the aggregate for all claims arising out of the same crime.
4. Make technical changes.

The Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill:

1. Make technical changes.