

2023 Regular Session

HOUSE BILL NO. 91

BY REPRESENTATIVE GOUDEAU

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

CRIME/HOMICIDE: Provides relative to vehicular homicide

1 AN ACT

2 To enact Code of Criminal Procedure Article 883.2(E) and R.S. 14:32.1(E), relative to
3 operating a vehicle while intoxicated; to provide relative to the crime of vehicular
4 homicide; to provide relative to penalties of the crime of vehicular homicide; to
5 require certain restitution payments to the minor child of the victim; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 883.2(E) is hereby enacted to read
9 as follows:

10 Art. 883.2. Restitution to victim

11 * * *

12 E.(1) Whoever commits the crime of vehicular homicide shall be ordered by
13 the court to pay restitution to the child of the victim until the child reaches eighteen
14 years of age. If the child reaches eighteen years of age and is enrolled in a program
15 of study which upon completion will entitle him to be issued a high school
16 equivalency diploma, then the restitution shall continue to be paid until he earns such
17 diploma or reaches the age of twenty-one, whichever first occurs.

18 (2) The court shall calculate the restitution payments using the guidelines set
19 forth under R.S. 9:315.

1 (3) If the court orders restitution under this Subsection and the surviving
 2 parent or guardian brings a civil action against the offender and obtains a judgment
 3 in his favor, the restitution order shall adopt the civil judgment.

4 Section 2. R.S. 14:32.1(E) is hereby enacted to read as follows:

5 §32.1. Vehicular homicide

6 * * *

7 E. In addition to the penalties provided in this Section, a person convicted
 8 of a violation of this Section shall be ordered to make restitution as provided in Code
 9 of Criminal Procedure Article 883.2.

10 Section 3. This Act shall be cited and referred to as "Cody's Law".

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 91 Reengrossed

2023 Regular Session

Goudeau

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

Present law (C.Cr.P. Art. 883.2) provides for restitution.

Proposed law retains present law and requires the offender to make payments to the victim's minor child until the child reaches the age of 18.

Proposed law further provides that if the child reaches the age of 18 and is enrolled in a program of study which upon completion will entitle him to be issued a high school equivalency diploma, then the restitution shall continue to be paid until he earns such diploma or reaches the age of 21, whichever first occurs.

Proposed law provides that the court shall calculate the restitution payments using the guidelines set forth under present law (R.S. 9:315).

Proposed law specifies that if the court orders restitution and a judgment was obtained from a civil suit in favor of the surviving parent or guardian, the restitution order shall adopt the civil judgment.

Present law (R.S. 14:32.1) 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 provides that in addition to the penalties provided in present law, a person convicted of a violation of present law shall be ordered to make restitution as provided in present law (C.Cr.P. Art. 883.2).

Provides that proposed law shall be referred to as "Cody's Law".

(Adds C.Cr.P. Art. 883.2(E) and R.S. 14:32.1(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Delete proposed law language relative to the time period that an offender has to pay restitution after his release.
3. Delete proposed law language that reduces an unpaid outstanding restitution balance to a civil money judgment.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Replace the list of factors in proposed law relative to the determination of the amount of restitution payments with a calculation from the court using the guidelines set forth under present law (R.S. 9:315).
3. Remove proposed law provision that provides that a restitution order shall not be ordered if a civil suit is brought and a judgment is rendered against the offender prior to a restitution order.
4. Provide that the restitution order shall adopt the civil judgment if a court orders restitution and a judgment was obtained from a civil suit in favor of the surviving parent or guardian.