
DIGEST

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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.