

Office of the Governor
State of Louisiana

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June 28, 2023

VIA HAND DELIVERY

Honorable Clay J. Schexnayder
Speaker of the House
Louisiana House of Representatives
Post Office Box 94062
Baton Rouge, Louisiana 70804-9062

RE: Veto of House Bill 91 of the 2023 Regular Session

Dear Speaker Schexnayder:

Please be advised that I have vetoed House Bill 91 of the 2023 Regular Session.

House Bill 91 is an attempt to provide restitution in the form of child support payments for minor survivors of victims of vehicular homicide, but falls short of providing clear direction to the various courts and parties on how this would be implemented. For example, the legislation requires the criminal court to calculate restitution pursuant to the guidelines in La. R.S. 9:315. That statute, however, is the definition section of Louisiana's child support law, and provides no mechanism for the calculation, or modification thereof, for the amount of child support an obligor would be required to pay. Would a child support obligor under the criminal restitution statute be entitled to modification for material circumstances? Which court would the defendant obligor apply to? Would the criminal court retain jurisdiction over defendant obligor until the child survivor attains the age they are no longer entitled to child support?

Further, the legislation also requires a criminal court that has required a restitution order to adopt the civil judgment a surviving parent or guardian may obtain against the defendant obligor. The plain reading of the legislation leaves many questions. Is the adoption of the civil order in lieu of the ordered child support payments? Is adoption of the civil judgment in addition to the required child support payments? Does requiring the criminal court to adopt the civil judgment bestow upon the criminal court the power to hold the defendant obligor in criminal contempt if he does not pay his civil judgment?

Although the legislation appears on its face to be well-intentioned, there are too many unknowns and questions remaining for it to become law, and therefore, it has been vetoed.

Sincerely,
A large, handwritten signature of John Bel Edwards in black ink.
John Bel Edwards
Governor

cc: Honorable Patrick Page Cortez
Louisiana Senate President