

Regular Session, 2014

HOUSE BILL NO. 546

BY REPRESENTATIVE BARROW

CRIMINAL/PROCEDURE: Provides with respect to restitution in criminal cases

1 AN ACT

2 To enact Code of Criminal Procedure Article 883.2(D), relative to restitution payable to  
3 victims; to provide for a periodic payment plan for defendants who are indigent; to  
4 limit the amount of monthly restitution ordered in relationship to the defendant's  
5 monthly income; to provide that a defendant cannot be incarcerated for failure to pay  
6 restitution; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

10 Art. 883.2. Restitution to victim

11 \* \* \*

12 D. Notwithstanding any other provision of law to the contrary, if the  
13 defendant is found to be indigent and therefore unable to make restitution in full at  
14 the time of conviction, the court shall order a periodic payment plan consistent with  
15 the person's financial ability; however, no court shall order a monthly periodic  
16 payment plan which exceeds fifteen percent of the defendant's monthly income. A  
17 defendant shall not be incarcerated for failure to pay restitution under any  
18 circumstances.

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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)]

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Barrow

HB No. 546

**Abstract:** Provides that monthly restitution amounts cannot exceed 15% of the defendant's monthly income.

Present law provides that the court can order a defendant to pay restitution to a victim.

Proposed law retains present law.

Proposed law further provides that if the defendant is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court shall order a periodic payment plan consistent with the person's financial ability; however, no court shall order a monthly periodic payment plan which exceeds fifteen percent of the defendant's monthly income.

Proposed law further provides that in no case shall a defendant be incarcerated for failure to pay restitution.

(Adds C.Cr.P. Art. 883.2(D))