
DIGEST

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HB 85 Engrossed

2019 Regular Session

Billiot

Abstract: Prohibits the denial or reduction of reparations to crime victims on the basis of a victim's conviction, adjudication, probation, parole, or previously served sentence of incarceration.

Present law requires the Crime Victims Reparations Board to order the payment of reparations to a crime victim or other claimant for any pecuniary loss sustained by the victim or claimant that was proximately caused by the commission of certain crimes.

With regard to the awarding of reparations in this regard, present law provides for the following:

- (1) No award of reparations shall be made if the board finds that:
 - (a) The crime was not timely reported as specified by present law.
 - (b) The claimant failed or refused to cooperate substantially with the reasonable requests of appropriate law enforcement officials.
 - (c) Reparations may substantially enrich the offender.
 - (d) The claimant was the offender or an accessory, or that an award to the claimant would unjustly benefit any of them.
 - (e) The claim was not filed timely as required in present law.
- (2) The board may deny or reduce an award if it finds that the behavior of the victim at the time of the crime giving rise to the claim was such that the victim bears some measure of responsibility for the crime that caused the physical injury, death, or catastrophic property loss or for the physical injury, death, or catastrophic property loss.

Proposed law retains present law and provides that no victim or claimant shall be denied or otherwise deemed ineligible for reparations, nor shall any award for reparations be reduced, on the basis that the victim or claimant has a conviction or adjudication of delinquency, on the basis that the victim or claimant is currently on probation or parole, or on the basis that the victim or claimant has previously served any sentence of incarceration, probation, or parole.

(Adds R.S. 46:1809(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal

Justice to the original bill:

1. Remove the proposed law exception to the prohibition on denial or reduction of awards for reparations that applies when the facts on which the claimant's conviction is based are substantially related to the crime or facts giving rise to the claimant's claim for reparations.