

2018 Regular Session

SENATE BILL NO. 522

BY SENATOR CLAITOR

CRIME/PUNISHMENT. Provides relative to the payment of restitution to the victim of a crime. (8/1/18)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 875.1(D)(1)(a), (E), and (F) and to
3 enact Code of Criminal Procedure Art. 875.1(G), relative to restitution; to provide
4 relative to payment of restitution to the victim of a crime; to prohibit the waiver and
5 forgiveness of a defendant's financial obligations that are designated as restitution;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Art. 875.1(D)(1)(a), (E), and (F) are hereby
9 amended and reenacted and Code of Criminal Procedure Art. 875.1(G) is hereby enacted to
10 read as follows:

11 Art. 875.1. Determination of substantial financial hardship to the defendant

12 * * *

13 D.(1) If the court determines that payment in full of the aggregate amount of
14 all financial obligations imposed upon the defendant would cause substantial
15 financial hardship to the defendant or his dependents, the court shall do either of the
16 following:

17 (a) Waive all or any portion of the financial obligations, except for any

- (2) Provides that the defendant's outstanding financial obligations may be forgiven and considered paid-in-full if the defendant makes consistent monthly payments for either 12 consecutive months or consistent monthly payments for half of the defendant's term of supervision, whichever is longer.

Proposed law amends present law (C.Cr.P. Art. 875.1, as enacted by Act No. 260 of the 2017 R.S., effective Aug. 1, 2018) to provide that the portion of the defendant's financial obligations that is designated as restitution due to a victim shall not be waived or forgiven pursuant to present law.

Finally, proposed law provides that any outstanding balance of unpaid restitution at the end of a defendant's term of supervision shall be reduced to a civil money judgment that may be enforced in the same manner as provided for the execution of judgments in the La. Code of Civil Procedure. Notice of the judgment shall be sent by the clerk to the last known address of the person to whom the restitution was ordered to be paid.

Effective August 1, 2018.

(Amends C.Cr.P. Art. 875.1(D)(1)(a), (E), and (F); adds C.Cr.P. Art. 875.1(G))