

2019 Regular Session

HOUSE BILL NO. 85

BY REPRESENTATIVES BILLIOT AND MARINO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/VICTIMS: Provides relative to criteria for making awards to crime victims

1 AN ACT

2 To enact R.S. 46:1809(E), relative to crime victim reparations; to provide relative to the
3 criteria for making awards of reparations to crime victims; to provide certain
4 prohibitions on the denial or reduction of awards for reparations; to provide for
5 certain exceptions to the prohibitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:1809(E) is hereby enacted to read as follows:

8 §1809. Criteria for making awards; prohibitions; authority to deny or reduce awards

9 * * *

10 E. Notwithstanding any provision of law to the contrary, no victim or
11 claimant shall be denied or otherwise deemed ineligible for reparations pursuant to
12 this Chapter, nor shall any award for reparations pursuant to this Chapter be reduced,
13 on the basis that the victim or claimant has any conviction or adjudication of
14 delinquency, on the basis that the victim or claimant is currently on probation or
15 parole, or on the basis that the victim or claimant has previously served any sentence
16 of incarceration, probation, or parole, unless the facts on which the conviction,
17 adjudication, or sentence is based are substantially related to the crime or facts
18 giving rise to the victim or claimant's claim for reparations.

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)]

HB 85 Original

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, except when substantially related to the crime giving rise to the claim for reparations.

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, unless the facts on which the conviction, adjudication, or sentence is based are substantially related to the crime or facts giving rise to the victim or claimant's claim for reparations.

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