

2019 Regular Session

HOUSE BILL NO. 611 (Substitute for House Bill No. 255 by Representative Magee)

BY REPRESENTATIVE MAGEE AND SENATORS BARROW, CARTER, AND
COLOMB

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 885.1 and Section 3 of Act No.
3 260 of the 2017 Regular Session of the Legislature as amended by Act Nos. 137 and
4 668 of the 2018 Regular Session of the Legislature, relative to the financial
5 obligations for criminal offenders; to provide relative to the court's authority to
6 suspend the driver's license of a defendant for failure to pay a criminal fine; to
7 authorize the court to grant an extension of time to pay the fine; to authorize the
8 court to order the performance of community service in lieu of payment of the fine;
9 to provide relative to the effectiveness of changes made to Code of Criminal
10 Procedure Article 885.1 by Act No. 260 of the 2017 Regular Session of the
11 Legislature; to delay the effective date of certain provisions in Act No. 260 of the
12 2017 Regular Session of the Legislature which provided relative to the financial
13 obligations for criminal offenders; to provide relative to the payment of fines, fees,
14 costs, restitution, and other monetary obligations related to an offender's conviction;
15 to require the court to determine the offender's ability to pay the financial obligations
16 imposed; to authorize the court to waive, modify, or create a payment plan for the
17 offender's financial obligations; to provide relative to the court's authority to extend
18 probation under certain circumstances; to provide relative to the recovery of
19 uncollected monetary obligations at the end of a probation period; to provide for
20 legislative intent; to provide relative to the disbursement of collected payments; to
21 authorize the court to impose certain conditions in lieu of payment in certain
22 situations; to provide relative to the penalties imposed when an offender fails to

1 make certain payments or fails to appear for a hearing relative to missed payments;
2 to require notice to an offender upon his failure to make certain payments; and to
3 provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Code of Criminal Procedure Article 885.1 is hereby amended and
6 reenacted to read as follows:

7 Art. 885.1. Suspension of driving privileges; failure to pay criminal fines

8 A. When a fine is levied against a person convicted of any criminal offense,
9 including any violation of the Louisiana Highway Regulatory Act or any municipal
10 or parish ordinance regulating traffic, ~~in any municipality or in any parish~~ and the
11 court grants the defendant ~~is granted~~ an extension of time to pay the fine, if at the
12 expiration of the extended period granted by the court, the defendant shows that he
13 is financially unable to pay the fine, the judge of the court having jurisdiction ~~may~~
14 order shall grant the person an extension of time, not to exceed one hundred eighty
15 days, in which to pay the fine, or offer the person, in lieu of paying the fine, the
16 alternative of performing community service as set by the judge.

17 B. If, at the expiration of the one-hundred-eighty-day period granted by the
18 judge pursuant to Paragraph A of this Article, the judge determines that the
19 defendant has either willfully not paid the fine or has not performed the community
20 service, the judge may do either of the following:

21 (1) For any offense that involves the operation of any motor vehicle, aircraft,
22 watercraft, or other means of conveyance as a necessary element of proof in the
23 commission of the offense, order the person's driver's license to be surrendered to the
24 sheriff or official of the court collecting fines, and for a period of time not to exceed
25 one hundred eighty days. If, after expiration of one hundred eighty days, the
26 defendant has not paid the fine, the sheriff or official of the court designated to
27 collect fines shall forward the license to the Department of Public Safety and
28 Corrections.

1 (2) Grant the person an extension of time to either pay the fine or perform
2 the community service.

3 ~~B. Upon receipt of a surrendered driver's license, the sheriff or court official~~
4 ~~responsible for collection of such fines shall issue a temporary permit for a period~~
5 ~~not to exceed one hundred eighty days or for a period of time set forth by the judge~~
6 ~~having jurisdiction. The temporary permits, the procedure for distributing such~~
7 ~~permits, and the rules and regulations associated with such permits shall be the same~~
8 ~~as devised by the Department of Public Safety and Corrections as required by R.S.~~
9 ~~32:411.1.~~

10 ~~C. If, after expiration of one hundred eighty days, the defendant has not paid~~
11 ~~the fine, the sheriff or official of the court designated to collect fines shall forward~~
12 ~~the license to the Department of Public Safety and Corrections. Upon If the person's~~
13 ~~license is surrendered pursuant to Paragraph (B)(1) of this Article, upon receipt of~~
14 ~~the defendant's surrendered driver's license, the department shall suspend the driver's~~
15 ~~license of the defendant. The suspension shall begin when the department receives~~
16 ~~written notification from the court, and the department shall send immediate written~~
17 ~~notification to the defendant informing him of the suspension of driving privileges.~~

18 D. The department shall not reinstate, return, reissue, or renew a driver's
19 license in its possession pursuant to this Article until payment of the fine and any
20 additional administrative cost, fee, or penalty required by the judge having the
21 jurisdiction and any other cost, fee, or penalty required by the department in
22 accordance with R.S. 32:414(H) or other applicable cost, fee, or penalty provision.

23 Section 2. Section 3 of Act No. 260 of the 2017 Regular Session of the Legislature
24 as amended by Act Nos. 137 and 668 of the 2018 Regular Session of the Legislature is
25 hereby amended and reenacted to read as follows:

26 Section 3. The provisions of this Act shall become effective on August 1,
27 ~~2019~~ 2021.

28 Section 3. The provisions of this Act shall become effective on August 1, 2019.

29 Section 4. It is the intent of the legislature that the changes made to Code of
30 Criminal Procedure Article 885.1 by Act No. 260 of the 2017 Regular Session of the

1 Legislature, as amended by Act Nos. 137 and 668 of the 2018 Regular Session of the
2 Legislature, shall never go into effect and that the provisions of this Act shall control.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____