

2019 Regular Session

HOUSE BILL NO. 397

BY REPRESENTATIVE BAGNERIS

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 885.1, relative to suspension of
3 driving privileges; to provide relative to the surrender of driver's licenses of persons
4 who fail to pay criminal fines; to authorize the court to grant an extension of time to
5 pay the fine; to authorize the court to order the performance of community service
6 in lieu of payment of the fine; to provide relative to the effectiveness of changes
7 made to Code of Criminal Procedure Article 885.1 by Act No. 260 of the 2017
8 Regular Session of the Legislature; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

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

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

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

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

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

11 ~~B. Upon receipt of a surrendered driver's license, the sheriff or court official~~
12 ~~responsible for collection of such fines shall issue a temporary permit for a period~~
13 ~~not to exceed one hundred eighty days or for a period of time set forth by the judge~~
14 ~~having jurisdiction. The temporary permits, the procedure for distributing such~~
15 ~~permits, and the rules and regulations associated with such permits shall be the same~~
16 ~~as devised by the Department of Public Safety and Corrections as required by R.S.~~
17 ~~32:411.1.~~

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

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

1 E. Notwithstanding any provision of law to the contrary, if the person against
2 whom the fine is levied is financially unable to pay the fine, the provisions of this
3 Article shall not apply and the judge of the court shall not order that the person's
4 driver's license be surrendered for failure to pay such fine, unless the court
5 determines that the defendant is financially able but has willfully refused to pay the
6 fine, or to perform the community service ordered as an alternative to the fine
7 pursuant to the provisions of this Article.

8 Section 2. The provisions of this Act shall become effective on August 1, 2019.

9 Section 3. It is the intent of the legislature that the changes made to Code of
10 Criminal Procedure Article 885.1 in Act No. 260 of the 2017 Regular Session of the
11 Legislature, as amended by Act Nos. 137 and 668 of the 2018 Regular Session of the
12 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: _____