

CONFERENCE COMMITTEE REPORT

HB 85

2019 Regular Session

Billiot

June 3, 2019

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 85 by Representative Billiot, recommend the following concerning the Engrossed bill:

- 1. That Senate Floor Amendment Nos. 1 and 3 by Senator Claitor (#1945) be adopted.
- 2. That Senate Floor Amendment No. 2 by Sen. Claitor (#1945) be rejected.

Respectfully submitted,

Representative Robert E. Billiot

Senator Dan Claitor

Representative Sherman Mack

Senator Gerald Boudreaux

Representative Joseph Marino

Senator Troy Carter

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)]

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and oneliner of the instrument as it left the House

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

Report adopts Senate amendments to:

1. Provide that for proposed law to apply, the victim's or claimant's conviction or adjudication shall be unrelated to the offense for which reparations would otherwise be awarded.

Report rejects Senate amendments which would have:

1. Provided that no claimant or victim shall be denied or deemed ineligible for reparations, nor shall any award for reparations be reduced, solely on any of the bases provided for in proposed law.

Digest of the bill as proposed by the Conference Committee

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 unrelated to the offense for which reparations would otherwise be awarded pursuant to present law.

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