

Regular Session, 2014

HOUSE BILL NO. 546

BY REPRESENTATIVE BARROW

CRIMINAL/PROCEDURE: Provides with respect to restitution in criminal cases

1 AN ACT

2 To enact Code of Criminal Procedure Article 883.2(D), relative to restitution payable to  
3 victims; to provide for a periodic payment plan for defendants who are indigent; and  
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 883.2(D) is hereby enacted to read  
7 as follows:

8 Art. 883.2. Restitution to victim

9 \* \* \*

10 D. Notwithstanding any other provision of law to the contrary, if the  
11 defendant is found to be indigent and therefore unable to make restitution in full at  
12 the time of conviction, the court may order a periodic payment plan consistent with  
13 the person's financial ability.

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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)]

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Barrow

HB No. 546

**Abstract:** Provides for a periodic payment plan for an order of restitution for indigent defendants.

Present law requires the court to order a defendant to pay restitution to a crime victim in certain cases.

Proposed law retains present law.

Proposed law further provides that if the defendant is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court may order a periodic payment plan consistent with the person's financial ability.

(Adds C.Cr.P. Art. 883.2(D))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Changed the ordering of a payment plan for indigent defendants from mandatory to permissive.
2. Removed the prohibition regarding incarceration for failure to pay restitution.
3. Removed the prohibition on the payment plan exceeding 15% of the offender's income.