

2026 Regular Session

HOUSE BILL NO. 969

BY REPRESENTATIVE WILEY

CRIMINAL/VICTIMS: Provides relative to compensation for victims of criminal offenses

1 AN ACT

2 To amend and reenact R.S. 4:176(B), R.S. 10:9-406(i) and 9-408(f), R.S. 15:574.4.2(C)(1),
3 705(C)(3)(a) and (D)(3), 874(7), 875(E), and 1223, R.S. 27:94(C), 252(C), 394(C),
4 and 610(A)(3)(c), R.S. 32:865(B)(2), R.S. 36:4(B)(11)(b), R.S.
5 40:1216.1(A)(introductory paragraph) and (6)(introductory paragraph) and (b), R.S.
6 44:4(28), the heading of Chapter 21 of Title 46 of the Louisiana Revised Statutes of
7 1950, R.S. 46:1801, 1802(introductory paragraph), (1) through (4), (5)(introductory
8 paragraph), (a) through (c), (e), and (f), and (6) through (15), 1803 through 1806,
9 1807(A), (B), (C), (D)(1), and (F), 1808, 1809(A), (B), (C), (D)(1)(introductory
10 paragraph) and (b) and (2), and (E), 1810, 1811(A), (B), and (C), 1812 through 1815,
11 1816(A), (B)(introductory paragraph), (4), (5), and (8), (C), (D)(1)(b) and (2), and
12 (E)(2), 1817(A) and (B), 1818 through 1822, 1842(introductory paragraph) and (9),
13 1844(V) and (W)(1)(a), (3), and (5)(a) and (c), 1851, 1852(D), and 1853(A),
14 (B)(introductory paragraph) and (2), and (C), Code of Criminal Procedure Article
15 890.2(D), Children's Code Articles 811.1(A)(introductory paragraph) and (7) and
16 811.2(D), to enact R.S. 46:1802(5)(h) and (16) through (20), and to repeal Chapter
17 21-A of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S.
18 46:1831.1 through 1831.16, relative to compensation for victims of criminal
19 offenses; to change all references of the "Crime Victims Reparations Fund" to
20 "Crime Victims' Compensation Fund", "Crime Victims Reparations Board" to

1 "Crime Victims' Compensation Board", and "reparations" to "compensation"; to
 2 provide for definitions; to provide for applicable crimes; to provide for duties,
 3 powers, and procedures of the board; to provide for applications and eligibility; to
 4 provide for award amounts and criteria; to provide for prohibitions; to provide for
 5 duties of the Louisiana Commission on Law Enforcement and Administration of
 6 Criminal Justice; to provide for duties of the attorney general; to provide for
 7 penalties; to provide relative to reimbursements; to repeal the Victims of Vehicular
 8 Homicide Act; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 4:176(B) is hereby amended and reenacted to read as follows:

11 §176. Limitation of time for presenting pari-mutuel tickets and disposition of
 12 unclaimed monies

13 * * *

14 B. The sum held by any licensee for payment of outstanding winning
 15 pari-mutuel tickets and for refunding the price of pari-mutuel tickets shall be retained
 16 by such licensee for such purpose until the expiration of ninety days after the close
 17 of the race meeting conducted by the licensee. One hundred days after the close of
 18 any race meeting, the licensee shall each day accumulate the amount equal to the
 19 sum of the unclaimed monies that expire that day. On or before the fifteenth day of
 20 the first month following the end of a calendar-year quarter, the licensee shall remit
 21 less the amount of state tax paid by the licensee on such unclaimed monies, to the
 22 state treasurer for deposit into the Crime ~~Victims—Reparations~~ Victims'
 23 Compensation Fund as provided for in R.S. 46:1816(B)(8) an amount equal to the
 24 accumulated total for the previous calendar-year quarter. Such funds shall be used
 25 exclusively to pay the expenses associated with health care services of victims of
 26 sexually oriented criminal offenses, including forensic medical examinations as
 27 defined in R.S. 15:622.

28 * * *

1 Section 2. R.S. 10:9-406(i) and 9-408(f) are hereby amended and reenacted to read
2 as follows:

3 §9-406. Discharge of account debtor; notification of assignment; identification and
4 proof of assignment; restrictions on assignment of accounts, chattel paper,
5 payment intangibles, and promissory notes ineffective

6 * * *

7 (i) Inapplicability. This Section does not apply to an assignment of a health-
8 care-insurance receivable. This Section further does not apply to an assignment of
9 any pension, disability, annuity, retirement or other benefit, distribution or allowance
10 right or payment from any governmental retirement system or pension fund or any
11 other governmental unit, workers' compensation claims or payments, unemployment
12 compensation benefits, public assistance payments, crime victim ~~reparations~~
13 compensation, or lottery payments.

14 * * *

15 §9-408. Restrictions on assignment of promissory notes, health-care-insurance
16 receivables, and certain general intangibles ineffective

17 * * *

18 (f) Inapplicability. This Section does not apply to an assignment of any
19 pension, disability, annuity, retirement or other benefit, distribution or allowance
20 right or payment from any governmental retirement system or pension fund or any
21 other governmental unit, workers' compensation claims or payments, unemployment
22 compensation benefits, public assistance payments, crime victim ~~reparations~~
23 compensation, or lottery payments.

24 * * *

25 Section 3. R.S. 15:574.4.2(C)(1), 705(C)(3)(a) and (D)(3), 874(7), 875(E), and 1223
26 are hereby amended and reenacted to read as follows:

27 §574.4.2. Decisions of committee on parole; nature, order, and conditions of parole;
28 rules of conduct; infectious disease testing

29 * * *

1 C.(1)(a) When a victim of the crime for which parole is being considered has
 2 suffered a direct pecuniary loss other than damage to or loss of property, the parole
 3 committee may impose as a condition of parole that restitution be made to the victim.
 4 When such a condition is imposed, the committee shall consider the defendant's
 5 ability to pay and shall not revoke parole based upon this condition unless the
 6 parolee has willfully failed to comply. When the victim's loss consists of damage to
 7 or loss of property, the committee shall impose as a condition of parole payment of
 8 restitution, either in a lump sum or in monthly installments based on the earning
 9 capacity and assets of the defendant. If the victim was paid for such property loss
 10 or damage with monies from the Crime ~~Victims Reparations~~ Victims' Compensation
 11 Fund, the committee shall order the parolee to make such payments as
 12 reimbursement to the fund in the same amount as was paid from the fund to the
 13 victim. This condition of parole shall continue until such time as the restitution is
 14 paid or the parolee is discharged from parole in accordance with R.S. 15:574.6.

15 (b) If restitution to the victim is ordered as a condition of parole in
 16 accordance with the provisions of this Subsection and the victim cannot be located
 17 by the probation and parole officer within one year after the condition is imposed,
 18 the defendant shall direct the restitution payments to the Crime ~~Victims Reparations~~
 19 Victims' Compensation Fund as provided for in R.S. 46:1816.

20 * * *

21 §705. Food and clothing provisions for prisoners; payment of incarceration
 22 expenses; payment of medical expenses; imposition of restitution on
 23 offenders

24 * * *

25 C.

26 * * *

27 (3)(a) Each governing authority shall establish written rules for the collection
 28 of such expenses from the inmate, including freezing assets in his drawing account
 29 and prohibiting withdrawals therefrom until the expenses are paid. The drawing

1 account may be frozen regardless of the source of the assets contained therein.
 2 Notwithstanding any other law to the contrary, the governing authority shall
 3 promulgate rules and regulations regarding reimbursement by the inmate for medical
 4 expenses incurred by the governing authority for the inmate's treatment, including
 5 a requirement that the inmate file a claim with his private medical or health care
 6 insurer or any public medical assistance program, under which he is covered and
 7 from which the inmate may make a claim for payment or reimbursement of the cost
 8 of any such medical treatment. This Subsection ~~shall~~ does not prohibit the
 9 withdrawal of funds for the purpose of payments under the Crime ~~Victims~~
 10 ~~Reparations~~ Victims' Compensation Act, court costs as authorized by law, and other
 11 withdrawals specifically authorized by the sheriff, in that order.

12 * * *

13 D.

14 * * *

15 (3) Each law enforcement district may adopt an ordinance authorizing the
 16 chief law enforcement officer of the district to collect such restitution from the
 17 inmate. The ordinance may provide for the freezing of assets in his drawing account
 18 and prohibit withdrawals therefrom until the expenses are paid. The drawing
 19 account may be frozen regardless of the source of the assets contained ~~therein~~ in the
 20 account. This Subsection ~~shall~~ does not prohibit the withdrawal of funds for the
 21 purpose of payments under the Crime ~~Victims Reparations~~ Victims' Compensation
 22 Act, court costs as authorized by law, other payments required by the sentencing
 23 judge, and other withdrawals specifically authorized by the chief law enforcement
 24 officer of the district, in that order.

25 * * *

26 §874. Compensation account

27 The inmate's compensation account shall be handled and accounted for as
 28 follows:

29 * * *

1 (7) Upon presentation to the Department of Public Safety and Corrections
2 of a court order or a certified copy of an extract of the minutes of a court proceeding
3 showing that an inmate was convicted and was assessed court costs, along with a
4 letter from the sheriff itemizing the costs assessed and verifying which of the costs
5 were not paid, the department shall withdraw funds from any of the inmate's
6 accounts for the payment of court costs due. All collected funds ~~so collected~~ shall
7 be forwarded to the court that assessed the costs; however, if the inmate has not paid
8 the costs assessed in accordance with the Crime Victims Reparations Victims'
9 Compensation Act, R.S. 46:1801, et seq., those costs shall be collected and shall be
10 credited directly to the Crime ~~Victims Reparations~~ Victims' Compensation Fund,
11 R.S. 46:1816, after all other costs are paid. The department shall notify the court if
12 the costs for the Crime ~~Victims Reparations~~ Victims' Compensation Fund have been
13 collected. The funds in an inmate's accounts shall not be reduced by more than
14 seventy-five percent in accordance with this Section.

* * *

16 §875. Imposition of restitution on offenders; procedures

* * *

18 E. The amount of restitution may be obtained from an offender by freezing
19 assets in his drawing and savings account and prohibiting withdrawals therefrom
20 until the restitution is paid, whether from these accounts or from any other source by
21 any other appropriate means. The accounts may be frozen regardless of the source
22 of the assets contained therein and specifically including any assets of a juvenile sent
23 to him by his parent or guardian and placed in his accounts. This Subsection ~~shall~~
24 does not prohibit the withdrawal of funds for the purpose of payments under the
25 Crime ~~Victims Reparations~~ Victims' Compensation Act, court costs as authorized by
26 law, and other withdrawals specifically authorized by the warden or by the
27 superintendent if the warden is unavailable, in that order.

* * *

1 §1223. Crime ~~Victims Reparations~~ Victims' Compensation Board

2 The Crime ~~Victims Reparations~~ Victims' Compensation Board as further
3 provided for in Chapter 21 of Title 46 of the Louisiana Revised Statutes of 1950 is
4 hereby placed under the jurisdiction of the Louisiana Commission on Law
5 Enforcement and Administration of Criminal Justice.

6 Section 4. R.S. 27:94(C), 252(C), 394(C), and 610(A)(3)(c) are hereby amended and
7 reenacted to read as follows:

8 §94. Ninety-day time period to claim jackpot ticket; collection and use of funds

9 * * *

10 C. After such time, the licensee shall each day accumulate the amount equal
11 to the sum of any unclaimed monies, less the amount of state tax paid by the licensee
12 on the unclaimed monies that expire that day. On or before the fifteenth day of the
13 first month following the end of a calendar-year quarter, the licensee shall remit to
14 the state treasurer for deposit into the Crime ~~Victims Reparations~~ Victims'
15 Compensation Fund as provided for in R.S. 46:1816(B)(8) an amount equal to the
16 accumulated total for the previous calendar-year quarter. The funds shall be used
17 exclusively to pay the expenses associated with health care services of victims of
18 sexually oriented criminal offenses, including forensic medical examinations as
19 defined in R.S. 15:622.

20 * * *

21 §252. Ninety-day time period to claim jackpot ticket; collection and use of funds

22 * * *

23 C. After such time, the licensee shall each day accumulate the amount equal
24 to the sum of any unclaimed monies, less the amount of state tax paid by the licensee
25 on the unclaimed monies that expire that day. On or before the fifteenth day of the
26 first month following the end of a calendar-year quarter, the licensee shall remit to
27 the state treasurer for deposit into the Crime ~~Victims Reparations~~ Victims'
28 Compensation Fund as provided for in R.S. 46:1816(B)(8) an amount equal to the
29 accumulated total for the previous calendar-year quarter. The funds shall be used

1 exclusively to pay the expenses associated with health care services of victims of
2 sexually oriented criminal offenses, including forensic medical examinations as
3 defined in R.S. 15:622.

4 * * *

5 §394. Ninety-day time period to claim jackpot ticket; collection and use of funds

6 * * *

7 C. After such time, the licensee shall each day accumulate the amount equal
8 to the sum of any unclaimed monies, less the amount of state tax paid by the licensee
9 on the unclaimed monies that expire that day. On or before the fifteenth day of the
10 first month following the end of a calendar-year quarter, the licensee shall remit to
11 the state treasurer for deposit into the Crime ~~Victims Reparations~~ Victims'
12 Compensation Fund as provided for in R.S. 46:1816(B)(8) an amount equal to the
13 accumulated total for the previous calendar-year quarter. The funds shall be used
14 exclusively to pay the expenses associated with health care services of victims of
15 sexually oriented criminal offenses, including forensic medical examinations as
16 defined in R.S. 15:622.

17 * * *

18 §610. Payment of winnings; collection and use of funds

19 A.

20 * * *

21 (3)

22 * * *

23 (c) After such time, the operator shall each day accumulate the amount equal
24 to the sum of any unclaimed winnings, less the amount of state tax paid by the
25 licensee on the unclaimed monies that expire that day. On or before the fifteenth day
26 of the first month following the end of a calendar-year quarter, the licensee shall
27 remit to the state treasurer for deposit into the Crime ~~Victims Reparations~~ Victims'
28 Compensation Fund as provided for in R.S. 46:1816 an amount equal to the
29 accumulated total for the previous calendar-year quarter. The funds shall be used

1 exclusively to pay the expenses associated with ~~health care~~ healthcare services of
2 victims of sexually oriented criminal offenses, including forensic medical
3 examinations as defined in R.S. 15:622.

4 * * *

5 Section 5. R.S. 32:865(B)(2) is hereby amended and reenacted to read as follows:

6 §865. Criminal sanctions for operating motor vehicle not covered by security

7 * * *

8 B.

9 * * *

10 (2) Notwithstanding Paragraph (1) of this Subsection and except as provided
11 in Paragraph (3) of this Subsection, any person operating a motor vehicle when that
12 person knows the vehicle is not covered by the security required under R.S. 32:861,
13 and any owner allowing a motor vehicle to be operated which is in any way involved
14 in an accident within this state in which any person is killed or injured or in which
15 damage to the property of any one person in excess of five hundred dollars is
16 sustained, when such motor vehicle is not covered by the security required under
17 R.S. 32:861, the owner thereof knows or has been notified by the department of the
18 absence of the required security, and at least thirty days has elapsed after such
19 knowledge has been acquired or notification received by the owner, shall, upon
20 conviction, be fined not less than one thousand dollars, nor more than ten thousand
21 dollars, shall have the registration of his vehicle revoked for a period of twelve
22 months, shall have his driving privileges suspended for a period of twelve months,
23 and shall be required to perform not less than forty hours nor more than two hundred
24 hours of community service. After deposit in the Bond Security and Redemption
25 Fund, an amount equal to all fines collected under the provisions of this Paragraph
26 shall be credited to the Crime ~~Victims Reparations~~ Victims' Compensation Fund,
27 R.S. 46:1816.

28 * * *

1 Section 6. R.S. 36:4(B)(11)(b) is hereby amended and reenacted to read as follows:

2 §4. Structure of executive branch of state government

3 * * *

4 B. The office of the governor shall be in the executive branch of state
5 government. The governor may allocate within his office the powers, duties, funds,
6 functions, appropriations, responsibilities, and personnel of the agencies within his
7 office and provide for the administration thereof and for the organization of his
8 office. The following agencies and their powers, duties, functions, and
9 responsibilities are hereby transferred to the office of the governor:

10 * * *

11 (11) Louisiana Commission on Law Enforcement and Administration of
12 Criminal Justice (R.S. 15:1201 et seq.). The following agencies are placed under
13 the jurisdiction of the Louisiana Commission on Law Enforcement and
14 Administration of Criminal Justice:

15 * * *

16 (b) Crime ~~Victims Reparations~~ Victims' Compensation Board (R.S. 46:1801
17 and R.S. 15:1223).

18 * * *

19 Section 7. R.S. 40:1216.1(A)(introductory paragraph) and (6)(introductory
20 paragraph) and (b) are hereby amended and reenacted to read as follows:

21 §1216.1. Procedures for survivors of a sexually oriented criminal offense;
22 immunity; regional plans; maximum allowable costs; definitions; documents
23 requested by victim

24 A. All licensed hospitals and healthcare providers in ~~Louisiana~~ this state
25 shall offer every sexual assault survivor information to receive the treatment
26 provided for in this Section. A licensed hospital or healthcare provider shall adhere
27 to the following procedures if a person presents for treatment as a sexual assault
28 survivor:

29 * * *

1 and (2), and (E), 1810, 1811(A), (B), and (C), 1812 through 1815, 1816(A), (B)(introductory
2 paragraph), (4), (5), and (8), (C), (D)(1)(b) and (2), and (E)(2), 1817(A) and (B), 1818
3 through 1822, 1842(introductory paragraph) and (9), 1844(V) and (W)(1)(a), (3), and (5)(a)
4 and (c), 1851, 1852(D), and 1853(A), (B)(introductory paragraph) and (2), and (C) are
5 hereby amended and reenacted and R.S. 46:1802(5)(h) and (16) through (20) are hereby
6 enacted to read as follows:

7 CHAPTER 21. CRIME ~~VICTIMS REPARATIONS~~ VICTIMS' COMPENSATION

8 §1801. Short title

9 This Chapter may be cited as the Crime ~~Victims Reparations~~ Victims'
10 Compensation Act.

11 §1802. Definitions

12 As used in this Chapter, the following terms have the following meanings:

13 (1) "Accessory" ~~includes~~ means an accessory after the fact and also a
14 principal, as those terms are defined by ~~the Louisiana Criminal Code~~ Title 14 of the
15 Louisiana Revised Statutes of 1950.

16 (2) "Board" means the Crime ~~Victims Reparations~~ Victims' Compensation
17 Board.

18 (3) "Child" means ~~an unmarried person under eighteen years of age, and~~
19 ~~includes~~ a natural child, adopted child, stepchild, child born outside of marriage, ~~any~~
20 ~~of the above who is a student not over twenty-three years of age, and or~~ a child
21 conceived prior to but born after the personal injury or death of the victim: who is
22 either of the following:

23 (a) An unmarried person who is under eighteen years of age.

24 (b) An unmarried person who is at least eighteen years of age but under
25 twenty-four years of age who is currently attending secondary school or enrolled as
26 a full-time student in a postsecondary educational institution.

27 (4) "Claimant" means ~~a victim or a dependent of a deceased victim, or the~~
28 ~~legal representative of either, an intervenor, the healthcare provider who provides~~
29 ~~healthcare services associated with a forensic medical examination as defined in R.S.~~

1 ~~15:622, or in the event of a death, a person who legally assumes the obligation or~~
2 ~~who voluntarily pays the medical or the funeral or burial expenses incurred as a~~
3 ~~direct result of the crime.~~ any of the following who is eligible to file or has filed an
4 application for compensation pursuant to this Chapter:

5 (a) A victim.

6 (b) A dependent of a deceased victim.

7 (c) An intervenor.

8 (d) A person legally authorized to act on behalf of a person described in
9 Subparagraph (a), (b), or (c) of this Paragraph.

10 (e) A person who legally assumes the obligation or who voluntarily pays
11 medical or funeral, burial, or cremation expenses of a victim that are incurred as a
12 direct result of a crime covered under this Chapter.

13 (f) A deceased victim's family member or household member who requires
14 psychiatric care or counseling as a direct result of a crime covered under this
15 Chapter.

16 (g) A child's parent, stepparent, legal custodian, legal guardian, or sibling by
17 half or whole blood or by adoption who requires psychiatric care or counseling as a
18 direct result of the child being the victim of a sexually oriented criminal offense.

19 (h) A person who legally assumes the obligation or who voluntarily pays for
20 the psychiatric care or counseling of a person described in Subparagraph (f) or (g)
21 of this Paragraph.

22 (i) A household member of the victim who voluntarily pays for the
23 temporary lodging or permanent relocation expenses incurred by the victim as a
24 direct result of a crime covered under this Chapter.

25 (j) A household member of the victim who requires temporary lodging or
26 permanent relocation as a direct result of a crime covered under this Chapter.

27 (5) "Collateral source" means a source of benefits for pecuniary loss
28 awardable, other than under this Chapter, ~~which~~ that the victim or claimant has

1 received or ~~which~~ that is readily available to ~~him or her~~ the victim or claimant from
2 any or all of the following:

3 (a) The offender under an order of restitution ~~to the claimant~~ imposed by a
4 court as a condition of probation or otherwise.

5 (b) The government of the United States or ~~a federal agency~~, any of its
6 agencies, the government of a state or any of its political subdivisions, or an
7 instrumentality of two or more states.

8 (c) Social Security, Medicare, ~~and~~ or Medicaid.

9 * * *

10 (e) Wage continuation programs of an employer, not including vacation and
11 sick leave benefits.

12 (f) Proceeds of a contract of insurance payable ~~to the claimant~~ for a specific
13 pecuniary loss sustained by the claimant by reason incurred as a direct result of the
14 crime.

15 * * *

16 (h) Damages recovered from the offender or any other third party as a result
17 of a civil suit.

18 (6) "Dependent" means ~~a spouse or any person who is a dependent of a~~
19 ~~victim within the meaning of Section 152 of the United States Internal Revenue~~
20 ~~Code (26 U.S.C. 152)~~. any of the following:

21 (a) A spouse.

22 (b) A person who is a dependent of a victim within the meaning of Section
23 152 of the United States Internal Revenue Code.

24 (7) "Family member" means the victim's spouse, parent, grandparent,
25 stepparent, legal custodian, legal guardian, child, grandchild, or sibling by half or
26 whole blood or by adoption. For the purposes of this Paragraph, "child" means a
27 natural child, adopted child, stepchild, child born outside of marriage, or child
28 conceived prior to but born after the personal injury or death of the victim, regardless
29 of age.

1 (8) "Forensic medical examination" has the same meaning as defined in R.S.
2 15:622.

3 ~~(7)~~ (9) "Healthcare facility" means a facility or institution providing
4 healthcare services, including but not limited to a hospital or other licensed inpatient
5 center; ambulatory surgical or treatment center; skilled nursing facility; inpatient
6 hospice facility; residential treatment center; diagnostic, laboratory, or imaging
7 center; or rehabilitation or other therapeutic health setting.

8 ~~(8)~~ (10) "Healthcare provider" means a physician or other healthcare
9 practitioner licensed, certified, registered, or otherwise authorized to perform
10 specified healthcare services consistent with state law.

11 ~~(9)~~ (11) "Healthcare services" means services, items, supplies, or drugs for
12 the diagnosis, prevention, treatment, cure, or relief of a health condition, illness,
13 injury, or disease ancillary to a sexually oriented criminal offense.

14 (12) "Household member" means a person who resided in the same
15 permanent abode as the victim at the time the crime was committed.

16 (13) "Human trafficking-related offense" means the perpetration or
17 attempted perpetration of R.S. 14:46.2 or 46.3 or any other crime involving
18 commercial exploitation including but not limited to R.S. 14:81.1, 81.3, 82, 82.1,
19 82.2, 83, 83.1, 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 104, 105, and 282.

20 ~~(10)~~ (14) "Intervenor" means a person who goes to the aid of another and is
21 ~~killed or injured~~ who suffers personal injury or death in the good faith effort to
22 prevent a crime covered ~~by~~ under this Chapter, to apprehend a person reasonably
23 suspected of having engaged in such a crime, or to aid a peace officer. ~~"Peace~~
24 ~~officer" shall include~~ For the purposes of this Paragraph, "peace officer" means
25 commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals,
26 correctional officers, constables, wildlife enforcement agents, and probation and
27 parole officers.

28 (15) "Louisiana resident" means a person who maintained a place of
29 permanent abode in this state at the time the crime was committed.

1 ~~(H)~~ (16) "Pecuniary loss" means the amount of the expense reasonably and
2 necessarily incurred by reason of the personal injury, ~~as a consequence of death, or~~
3 ~~a catastrophic property loss, and includes:~~

4 ~~(a)~~ For ~~personal injury~~: or death suffered by the victim as follows:

5 ~~(i)~~ (a) Medical, hospital, nursing, or psychiatric care or counseling, ~~and or~~
6 physical therapy.

7 ~~(ii)~~ (b) Actual loss of past earnings and anticipated loss of future earnings
8 because of a disability resulting from the personal injury or the receipt of medically
9 indicated services by a victim related to the personal injury.

10 ~~(iii)~~ (c) Care of a child or dependent.

11 ~~(iv)~~ ~~Counseling or therapy for the parents or siblings of a child who is the~~
12 ~~victim of a sexual crime:~~

13 ~~(v)~~ ~~Loss of support for a child victim of a sexual crime not otherwise~~
14 ~~compensated for as a pecuniary loss for personal injury:~~

15 ~~(vi)~~ ~~Relocation for claimants who have to relocate as a result of the crime for~~
16 ~~reasons of personal safety or other reasons reasonably related to the crime:~~

17 ~~(b)~~ ~~As a consequence of death:~~

18 ~~(i)~~ (d) Funeral, burial, or cremation expenses.

19 ~~(ii)~~ (e) Loss of support to ~~one or more dependents not otherwise~~
20 ~~compensated for as a pecuniary loss for personal injury:~~

21 ~~(iii)~~ ~~Care of a child or children enabling the surviving spouse of a victim or~~
22 ~~the legal custodian or caretaker of the deceased victim's child or children to engage~~
23 ~~in lawful employment, where that expense is not otherwise compensated for as a~~
24 ~~pecuniary loss for personal injury:~~

25 ~~(iv)~~ ~~Counseling or therapy for any surviving family member of the victim~~
26 ~~or any person in close relationship to such victim:~~

27 ~~(v)~~ ~~Crime scene cleanup:~~

28 ~~(vi)~~ ~~Relocation for claimants who have to relocate as a result of the crime~~
29 ~~due to the death of the victim:~~

1 ~~(c) As to catastrophic property loss, the loss must be so great as to cause~~
2 ~~overwhelming financial effect on the victim or other claimant and shall be restricted~~
3 ~~to loss of abode.~~

4 ~~(d) Any other expense associated with the collection and securing of crime~~
5 ~~scene evidence.~~

6 ~~(12) "Pecuniary loss" does not include loss attributable to pain and suffering.~~

7 ~~(13) "Reparations" means payment of compensation in accordance with the~~
8 ~~provisions of this Chapter for pecuniary loss resulting from physical injury, death,~~
9 ~~or catastrophic property loss by reason of a crime enumerated in this Chapter. any~~
10 ~~of the following:~~

11 ~~(i) A dependent of a deceased victim.~~

12 ~~(ii) A child who is the victim of a sexually oriented criminal offense if the~~
13 ~~child is a dependent of the offender and the offender is incarcerated as a direct result~~
14 ~~of the sexually oriented criminal offense.~~

15 ~~(f) Cleaning the crime scene.~~

16 ~~(g) Clothing, bedding, or property of the victim seized as evidence or~~
17 ~~rendered unusable as a direct result of a criminal investigation.~~

18 ~~(h) Temporary lodging or permanent relocation when immediate relocation~~
19 ~~is necessary for the health and safety of the victim or the victim's household member.~~

20 ~~(i) Costs associated with the removal of a tattoo the victim received through~~
21 ~~fraud, force, or coercion as a direct result of a human trafficking-related offense.~~

22 ~~(17) "Person" means a natural person.~~

23 ~~(18) "Personal injury" means physical or mental harm.~~

24 ~~(14) (19) "Sexually oriented criminal offense" shall have has the same~~
25 ~~meaning as sex offense as defined in R.S. 15:541(24).~~

26 ~~(15) (20) "Victim" means any of the following:~~

27 ~~(a) Any A person who suffers personal injury, death, or catastrophic property~~
28 ~~loss injury or death as a direct result of a crime committed in this state and covered~~
29 ~~by under this Chapter. ~~This includes any person who is a victim of human~~~~

1 ~~trafficking as defined by R.S. 14:46.2, a victim of trafficking of children for sexual~~
2 ~~purposes as defined by R.S. 14:46.3, or a victim of any offense involving~~
3 ~~commercial sexual exploitation including but not limited to R.S. 14:81.1, 81.3, 82,~~
4 ~~82.1, 82.2, 83, 83.1, 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 104, 105, and 282.~~

5 (b) A Louisiana resident who is a victim of an act of terrorism, as defined in
6 18 U.S.C. 2331, occurring that occurs outside of the United States.

7 (c) A Louisiana resident who suffers personal injury or death as a direct
8 result of a crime ~~described in R.S. 46:1805 covered under this Chapter~~, except that
9 the ~~criminal act~~ crime occurred outside of this state. ~~The A Louisiana resident shall~~
10 ~~have~~ has the same rights under this Chapter as if the ~~act~~ crime had occurred in this
11 state upon a showing that the state ~~in which~~ where the ~~act~~ crime occurred does not
12 have an eligible crime ~~victims reparations~~ victims' compensation program and the
13 crime would have been compensable had it occurred in Louisiana. ~~In this~~
14 Subparagraph, ~~"Louisiana resident" means a person who maintained a place of~~
15 ~~permanent abode in this state at the time the crime was committed for which~~
16 ~~reparations are sought.~~

17 §1803. Crime ~~Victims Reparations~~ Victims' Compensation Board

18 A. The Crime ~~Victims Reparations~~ Victims' Compensation Board is created
19 and established under the jurisdiction of the Louisiana Commission on Law
20 Enforcement and Administration of Criminal Justice ~~in~~ within the office of the
21 governor. The board shall be domiciled in Baton Rouge.

22 B. The board shall be composed of the ~~executive director of the Louisiana~~
23 ~~Commission on Law Enforcement and Administration of Criminal Justice or his~~
24 ~~designee, one person, who shall be chosen and appointed by the governor, from a list~~
25 ~~of three recommendations submitted to the governor by any victim's rights advocacy~~
26 ~~organization which is recognized as a nonprofit with the Internal Revenue Service,~~
27 ~~incorporated or organized in the state of Louisiana and in good standing, and does~~
28 ~~not engage in political activity, with each organization submitting a list of three~~
29 ~~names, and nine members who shall be appointed by the governor for a term~~

1 concurrent with that of the governor. However, no person nominated by any victim's
2 rights advocacy organization shall be appointed to serve as a member of the board
3 who has previously been confirmed by the Senate and has served as a member of the
4 board. Each appointment shall be submitted to the Senate for confirmation. At least
5 one member shall be appointed from each of the congressional districts in the state.
6 Of the governor's nine appointees, at least one shall be a full voting member who
7 shall be sixty years of age or over and shall serve as a representative of the elderly
8 population of Louisiana: following members:

9 (1) The executive director of the Louisiana Commission on Law
10 Enforcement and Administration of Criminal Justice, or his designee.

11 (2)(a) One member, who the governor shall choose and appoint for a term
12 concurrent with that of the governor, from a list of three recommendations submitted
13 to the governor by any victims' rights advocacy organization that meets all of the
14 following:

15 (i) Recognized as a nonprofit with the Internal Revenue Service.

16 (ii) Incorporated or organized in this state and in good standing.

17 (iii) Does not engage in political activity.

18 (b) Each organization shall submit a list of three names, but no person who
19 is nominated by any victims' rights advocacy organization shall be appointed to serve
20 as a member of the board if he has previously been confirmed by the Senate and has
21 served as a member of the board.

22 (3) Eight members, who the governor shall appoint for a term concurrent
23 with that of the governor, with at least one member being appointed from each of the
24 congressional districts in this state.

25 (4) One member, who the governor shall appoint for a term concurrent with
26 that of the governor, who is sixty years of age or older and shall serve as a
27 representative of the elderly population of this state.

28 C. Each gubernatorial appointment is subject to Senate confirmation.

1 ~~C.~~ D. A vacancy in the membership of the board shall be filled by
2 appointment by the governor.

3 ~~D.~~ E. Members shall serve without compensation, but shall be paid a per
4 diem not in excess of seventy-five dollars and shall be reimbursed for travel
5 expenses incurred in attendance at meetings of the board and other expenses incurred
6 on business of the board at its direction.

7 ~~E.~~ F. A majority of the members of the board ~~shall constitute~~ constitutes a
8 quorum for the transaction of all business.

9 ~~F.~~ G. The members of the board shall annually elect ~~from their membership~~
10 a chairman and a vice chairman from their membership.

11 §1804. Eligibility to apply for ~~reparations~~ compensation

12 A. A person who ~~believes he~~ is a victim of a crime enumerated in R.S.
13 46:1805, or his legal representative, or in the case of death, a dependent or the legal
14 representative of a dependent, or the rightful claimant as defined in R.S. 46:1802(4),
15 ~~shall be~~ covered under this Chapter or a claimant is eligible to make submit an
16 application to the board for ~~reparations~~ compensation and ~~shall be~~ is eligible for an
17 award of ~~reparations~~ compensation in accordance with the provisions of this Chapter.

18 B. During the sentencing for a crime, the judge shall inform the victim of the
19 crime, or his legal representative, or in the case of death, a dependent or the legal
20 representative of a dependent or the rightful claimant, the legal counsel of the victim,
21 or a claimant of the potential eligibility for an award of ~~reparations~~ compensation.

22 The judge shall also provide the contact information for the ~~Crime Victims~~
23 ~~Reparations Board~~ board to ~~such~~ the persons described in this Subsection for the
24 purpose of submitting an application to the board for an award of ~~reparations~~
25 compensation.

26 §1805. Crimes ~~to which~~ applicable to this Chapter ~~applies~~

27 A. The board may make an award and order the payment of ~~reparations~~
28 compensation for pecuniary loss incurred in accordance with the provisions of this
29 Chapter for the personal injury, ~~death, or catastrophic property loss resulting from~~

1 any act or omission to act that is defined as a misdemeanor under any local ordinance
2 or as a crime under state or federal law and involves the use of force or the threat of
3 the use of force or any human trafficking-related offense.

4 B.(1) ~~For the purposes of this Chapter, the operation of a motor vehicle, boat,~~
5 ~~or aircraft that results in personal injury or death shall not constitute a crime unless~~
6 ~~the personal injury or death was intentionally inflicted through the use of such~~
7 ~~vehicle, boat, or aircraft, or was caused by an operator in violation of R.S. 14:98,~~
8 ~~98.1, or 100.~~

9 (2) ~~"Intentionally inflicted" includes, but is not limited to personal injury or~~
10 ~~death resulting due to operation of a motor vehicle, boat, or aircraft used to flee the~~
11 ~~scene of a crime in which the operator of the motor vehicle, boat, or aircraft~~
12 ~~knowingly participated.~~

13 (3) ~~"Human trafficking-related offense" shall include the perpetration or~~
14 ~~attempted perpetration of R.S. 14:46.2 or 46.3 or any other crime involving~~
15 ~~commercial exploitation including R.S. 14:81.1, 81.3, 82, 82.1, 82.2, 83, 83.1, 83.2,~~
16 ~~83.3, 83.4, 84, 85, 86, 89.2, 104, 105, and 282. or death suffered by the victim as a~~
17 ~~direct result of any of the following:~~

18 (1) An act or omission that is defined as a misdemeanor under any local
19 ordinance or as a crime under state or federal law and involves the use of force or the
20 threat of the use of force.

21 (2) A human trafficking-related offense.

22 (3) A sexually oriented criminal offense.

23 (4) An act involving the operation of a motor vehicle, watercraft, or aircraft
24 that does not constitute a crime in this Chapter, unless the victim suffered personal
25 injury or death as a direct result of any of the following:

26 (a) The use of a motor vehicle, watercraft, or aircraft by an operator to
27 intentionally inflict personal injury or death upon the victim.

28 (b) The use of a motor vehicle, watercraft, or aircraft to flee the scene of a
29 crime of which the operator knowingly was a participant.

1 (c) The use of a motor vehicle, watercraft, or aircraft by an operator who is
2 in violation of R.S. 14:98, 98.1, 98.2, 98.3, 98.4, 98.6, or 100.

3 C. B. For the purposes of this Chapter, a person ~~shall be~~ is deemed to have
4 committed a criminal act or omission notwithstanding that he was legally incapable
5 of committing a crime by reason of age, insanity, drunkenness, or any other reason
6 ~~he was legally incapable of committing a crime.~~

7 §1806. Application; requirements; confidentiality

8 A.(1)(a) An application for ~~reparations~~ compensation shall be filed in writing
9 with the board within ~~one year~~ three years after the date of the ~~personal injury, death,~~
10 ~~or catastrophic property loss~~ commission of the crime or within such longer period
11 as the board determines is justified by the circumstances. The application ~~shall be~~
12 is valid only if reasonable documentation of the crime ~~resulting~~ that resulted in the
13 personal injury, ~~death, or catastrophic property loss~~ or death suffered by the victim
14 is submitted with the application.

15 (b) (2) For the purposes of this Subsection, "reasonable documentation"
16 means any of the following:

17 (i) (a) A police report documenting from law enforcement that documented
18 the commission of the crime that is the basis for the application.

19 (ii) (b) Court records ~~evidencing the criminal prosecution of a~~ pertaining to
20 the crime relevant to the application that form the basis for the application.

21 (iii) ~~A certification of the crime signed under oath by any licensed clinical~~
22 ~~social worker, professional counselor, or healthcare provider that conducted an~~
23 ~~examination of the injuries resulting from the commission of the crime.~~

24 (iv) ~~A certification of the crime signed under oath by a prosecuting attorney~~
25 ~~or investigating law enforcement officer who has personal involvement in the~~
26 ~~prosecution or investigation of any criminal case relative to the application.~~

27 (v) ~~Any other documentation the board deems sufficient to show the~~
28 ~~commission of a crime relevant to the application.~~

1 ~~(2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection~~
2 ~~and except as provided in Subparagraph (b) of this Paragraph, an application filed~~
3 ~~by a dependent or legal representative of a deceased victim of a homicide offense,~~
4 ~~or filed by a claimant as defined in R.S. 46:1802(4), shall be filed within five years~~
5 ~~after the date on which the judgment of conviction becomes final or within five years~~
6 ~~after the date on which the supreme court denies the defendant's first application for~~
7 ~~appeal.~~

8 ~~(b) Notwithstanding the provisions of Paragraph (1) of this Subsection, when~~
9 ~~the death of the offender occurs prior to a conviction for a homicide offense, an~~
10 ~~application filed by a dependent or legal representative of a deceased victim of a~~
11 ~~homicide offense, or filed by a claimant as defined in R.S. 46:1802(4), shall be filed~~
12 ~~within five years after the date of the death of the offender.~~

13 ~~B.(1) An application for reparations related to a sexually oriented criminal~~
14 ~~offense shall be filed in writing with the board within one year after the date on~~
15 ~~which the personal injury, death, or catastrophic property loss occurred or within~~
16 ~~such longer period as the board determines is justified by the circumstances.~~

17 ~~(2) A victim of a sexually oriented criminal offense shall not be required to~~
18 ~~report a sexually oriented criminal offense to any law enforcement officer for~~
19 ~~purposes of a claimant filing a valid application for reparations pursuant to this~~
20 ~~Subsection.~~

21 ~~(3) A claimant that files an application for reparations for personal injury or~~
22 ~~death resulting from a sexually oriented criminal offense shall submit certification~~
23 ~~from a healthcare provider or coroner that a forensic medical examination of the~~
24 ~~victim was conducted and an itemized billing statement for all related services~~
25 ~~provided by the healthcare provider or coroner.~~

26 ~~(4) The coroner shall provide certification to the healthcare provider that a~~
27 ~~forensic medical examination was conducted.~~

28 ~~(5) The healthcare provider shall submit certification to the board that a~~
29 ~~forensic medical examination was conducted when requested by a claimant.~~

1 (c) An attestation from a healthcare provider who conducted an examination
2 of the personal injury suffered by the victim and who can verify that the personal
3 injury suffered by the victim was a direct result of the crime that is the basis for the
4 application.

5 (d) An attestation from the healthcare provider who conducted a forensic
6 medical examination on the victim as a direct result of the crime that is the basis for
7 the application, or an attestation from the coroner indicating that a forensic medical
8 examination was conducted on the victim as a direct result of the crime that is the
9 basis for the application.

10 ~~€. B.~~ Application shall be made on a form prescribed and provided by the
11 board, which shall contain at least the following:

12 (1) A description of the date, nature, and circumstances of the act or acts
13 ~~resulting that resulted~~ in the ~~physical injury, death, or catastrophic property loss~~
14 ~~personal injury or death suffered by the victim~~, and of the crime, if known.

15 (2) A complete financial statement, ~~including the cost of medical care or~~
16 ~~funeral, burial, or cremation expenses, the loss of wages or support, and the extent~~
17 ~~of the property loss, if any, which~~ of any pecuniary loss that the claimant has
18 incurred or will incur, and the extent to which the claimant has been indemnified for
19 ~~these expenses from~~ by any collateral source.

20 (3) Where appropriate, a statement ~~indicating that indicates~~ the extent of any
21 disability ~~resulting that resulted~~ from the personal injury ~~incurred~~ suffered by the
22 victim.

23 (4) An authorization permitting the board or its representatives to verify the
24 contents of the application.

25 (5) Such other information as the board may require.

26 ~~Đ. C.~~ The following information, when submitted to the board as part of an
27 application, ~~shall be~~ is confidential:

1 (1) Documents, including any itemized billing statements, submitted by a
 2 claimant ~~which relate that pertain~~ to medical treatment ~~including any itemized billing~~
 3 ~~statements~~.

4 (2) Law enforcement investigative reports.

5 (3) Forensic medical ~~examination~~ examinations.

6 E: D. Records, documents, and information in the possession of the board
 7 that are received pursuant to a law enforcement investigation or a verification of
 8 application by a law enforcement agency ~~shall be~~ are considered investigative
 9 records of a law enforcement agency as described in R.S. 44:3 and shall not be
 10 disseminated under any condition without the permission of the agency providing the
 11 record or information to the board.

12 F: E. A victim who was owed restitution as a condition of an offender's
 13 parole pursuant to R.S. 15:574.4.2(C)(1)(a) but whose restitution payments were
 14 directed to the Crime ~~Victims Reparations~~ Victims' Compensation Fund pursuant to
 15 R.S. 15:574.4.2(C)(1)(b) may file an application for recovery of the restitution in a
 16 written format developed by the board.

17 §1807. Powers and duties of board; staff

18 A. The board shall administer the provisions of this Chapter ~~and Chapter 21-~~
 19 ~~A of this Title~~ and ~~shall be~~ is responsible, in accordance with this Chapter ~~and~~
 20 ~~Chapter 21-A of this Title~~, for determining all of the following:

21 (1) Determining all matters pertaining to applications for ~~reparations~~
 22 compensation, investigations, and determinations based upon its findings, ~~the~~
 23 ~~granting or rejecting of~~.

24 (2) Approving or denying applications or claims, and fixing.

25 (3) Fixing the amounts amount of the ~~grants or~~ payments and the ~~methods~~
 26 method of their payment payments.

27 B. In the performance of its powers and duties, the board shall do all of the
 28 following:

1 (1) Prescribe, distribute, and otherwise make available forms for use in
2 making application for ~~reparations~~ compensation and, where appropriate, recovery
3 of restitution funds directed to the Crime ~~Victims' Reparations~~ Victims'
4 Compensation Fund pursuant to R.S. 15:574.4.2(C)(1)(b).

5 (2) Prepare and distribute pamphlets, informational materials, ~~and~~
6 ~~application forms~~, and otherwise assist in making the ~~residents of the state~~ public
7 aware of the provisions of this Chapter.

8 (3) Receive, verify, and process applications for ~~reparations~~ compensation
9 and, where appropriate, recovery of restitution funds directed to the Crime ~~Victims~~
10 ~~Reparations~~ Victims' Compensation Fund pursuant to R.S. 15:574.4.2(C)(1)(b).

11 (4) Hold such hearings, take such testimony, and make such investigations
12 as are necessary with respect to any application received by it the board.

13 (5) Make a written decision with respect to each application received by it
14 the board and ~~order payment of reparations~~ award compensation for pecuniary loss
15 or, where appropriate, recovery of restitution funds to victims in accordance with this
16 Chapter.

17 (6) Take such other actions and perform such other functions as are required
18 by this Chapter or necessary to accomplish it's the purposes of the board.

19 (7) Develop, adopt, and promulgate rules in the manner provided in the
20 Administrative Procedure Act ~~and in accordance with the provisions of R.S.~~
21 ~~46:1806(B). The rules shall contain specific guidelines which shall establish the~~
22 ~~reasonable costs to be reimbursed for all healthcare services or expenses ancillary~~
23 ~~to a forensic medical examination.~~ as necessary to carry out the business of the board
24 or the provisions of this Chapter.

25 (8) ~~Take actions and perform other functions as are required by Chapter 21-~~
26 ~~A of this Title or necessary to perform its purposes.~~

27 C. ~~The~~ In the performance of its powers and duties, the board also may do
28 all of the following:

1 make the list electronically available on the website of the Louisiana Commission
2 on Law Enforcement and Administration of Criminal Justice.

3 §1808. Procedure by the board; public hearings; right to counsel

4 A. Upon receipt of one or more applications for ~~reparations~~ compensation
5 resulting from the same crime, the board shall examine ~~the~~ each application to
6 determine that it is complete and shall schedule ~~all of such claims~~ each application
7 for consideration at the same time. If the board determines that a hearing is
8 necessary ~~to~~ for a decision in the matter, it shall fix the day, time, and place ~~thereof~~
9 of the hearing and shall notify the claimant or claimants and ~~such~~ any other persons
10 as who have indicated a desire to be present or that the board desires to hear from.
11 The notice shall be in writing and shall be mailed by certified mail at least ten days
12 prior to the day that is fixed for the hearing.

13 B. Hearings ~~shall be~~ are open to the public ~~unless~~ except in a any particular
14 case where the board determines that all or part of the hearing should be closed; after
15 taking into consideration the fact that an accused has not been convicted or that a
16 closed hearing is in the best interest of the victim. The ~~applicant~~ victim or claimant
17 may appear, ~~and~~ be heard, and present evidence on his own behalf or through
18 counsel or legal representative. Any person who has a substantial interest in the
19 proceedings, as determined by the board, may appear before the board and ~~shall have~~
20 has the right to introduce evidence and cross examine witnesses.

21 C. The members of the board and the attorney representing the board, if any,
22 may question and cross examine witnesses. The board may bring ~~before it~~
23 physicians or other experts before it to examine any victim or claimant. The board
24 may receive in evidence any statement, document, information, or matter that it
25 believes may contribute to the purposes of the hearing or to any of its deliberations,
26 ~~whether or not~~ regardless of whether a hearing is held ~~and whether or not~~ any of
27 ~~them~~ or whether the evidence before the board would be admissible in court.

1 §1809. Criteria for making awards; prohibitions; authority to deny or reduce awards

2 A. The board shall ~~order the payment of reparations~~ award compensation in
3 an amount determined by it the board if, with or without hearings, it the board finds
4 all of the following by a preponderance of the evidence:

5 (1) ~~that~~ The pecuniary loss was ~~sustained~~ incurred by the victim or ~~other~~
6 claimant by reason of the personal injury, ~~death, or catastrophic property loss or~~
7 death suffered by the victim ~~and that such~~.

8 (2) The pecuniary loss was proximately caused by a crime ~~enumerated in~~
9 ~~R.S. 46:1805 and that such~~ covered under this Chapter.

10 (3) The pecuniary loss has or will not be compensated from any collateral
11 ~~or other~~ source.

12 B. In making its determination, the following provisions ~~shall~~ apply:

13 (1) ~~A~~ For the purposes of considering an application for an award of
14 compensation pursuant to this Chapter, finding by the board, for purposes of
15 ~~considering an application for award under this Chapter,~~ that the commission of a
16 crime ~~enumerated in R.S. 46:1805(A)~~ covered under this Chapter resulted in a
17 pecuniary loss ~~covered by this Chapter~~ shall be a sufficient finding with respect to
18 the crimes giving rise to the application for a ~~reparations~~ compensation award.
19 However, the board may make a partial eligibility determination on an application
20 prior to the incurring of a pecuniary loss by the victim or ~~other~~ claimant. ~~When one~~
21 ~~part of an award is denied, the board shall favor a partial award over the total denial.~~
22 An ~~order for reparations~~ award of compensation may be made whether or not any
23 person is arrested, prosecuted, or convicted of the crime giving rise to the application
24 for ~~reparations~~ compensation. The board may suspend proceedings in the interest
25 of justice if a civil or criminal action arising from such act or omission constituting
26 the crime is pending or imminent.

27 (2) Conviction of an offender of a crime giving rise to the application for
28 ~~reparations~~ compensation under this Chapter shall be conclusive evidence that the
29 crime was committed.

1 (3)(a) No award of ~~reparations~~ compensation shall be made if the board finds
2 that either of the following have occurred:

3 (i) The victim or claimant failed or refused to cooperate substantially with
4 reasonable requests of appropriate law enforcement officials during the course of the
5 criminal investigation.

6 (ii) A totality of the circumstances indicate that the victim or claimant was
7 the offender or an accessory, or that an award to the victim or claimant would
8 unjustly benefit ~~any of them~~ the offender or an accessory. However, such
9 ineligibility ~~shall~~ does not apply if the ~~claimant is a victim of~~ application or
10 compensation results from a human trafficking or trafficking of children for sexual
11 purposes trafficking-related offense.

12 (b) The ineligibility provisions provided ~~for~~ in Items (a)(i) and (ii) of this
13 Paragraph ~~shall~~ do not apply if the ~~claim~~ application for ~~reparations~~ compensation
14 results from a sexually oriented criminal offense.

15 (4) The board may deny or reduce an award as follows:

16 (a) If a totality of the circumstances ~~indicate~~ indicates that the behavior of
17 the victim at the time of the crime giving rise to the ~~claim~~ application was such that
18 the victim bears some measure of responsibility for the crime ~~that caused the~~
19 ~~physical injury, death, or catastrophic property loss or for the physical injury, death,~~
20 ~~or catastrophic property loss~~. However, ~~such~~ the ineligibility ~~shall~~ provided in this
21 Subparagraph does not apply if the ~~claimant is a victim~~ suffered personal injury or
22 death as a direct result of a human trafficking-related offense ~~as defined by R.S.~~
23 ~~46:1805 or a sexually oriented criminal offense as defined by R.S. 15:622~~.

24 (b) ~~To the extent that the pecuniary loss is recouped from collateral or other~~
25 ~~sources~~.

26 (e) (b) If ~~it~~ the board finds that the vehicle operated by the victim was
27 without security as required by R.S. 32:861.

28 (d) (c) If ~~it~~ the board finds that the victim was not wearing a safety belt in
29 compliance with R.S. 32:295.1.

1 E. No victim or claimant shall be denied or otherwise deemed ineligible for
2 ~~reparations~~ compensation pursuant to this Chapter, nor shall any award for
3 ~~reparations~~ of compensation pursuant to this Chapter be reduced; on the basis ~~that~~
4 ~~the~~ of any of the following:

5 (1) The victim or claimant has any conviction or adjudication of
6 delinquency, ~~on the basis that the.~~

7 (2) The victim or claimant is currently on probation or parole, ~~or on the basis~~
8 ~~that the.~~

9 (3) The victim or claimant has previously served any sentence of
10 incarceration, probation, or parole unrelated to the offense for which ~~reparations~~ that
11 would otherwise ~~be awarded~~ warrant an award of compensation pursuant to this
12 Chapter.

13 §1810. ~~Amount of reparations award~~ Limits on compensation

14 ~~A. Awards payable under this Chapter shall not exceed fifteen thousand~~
15 ~~dollars in the aggregate for all claims arising out of the same crime except for those~~
16 ~~victims who are permanently, totally, or permanently and totally disabled as a result~~
17 ~~of the crime, the aggregate award shall not exceed twenty-five thousand dollars.~~

18 ~~B. In no case shall the total aggregate of awards given during any fiscal year~~
19 ~~to claimants residing in the same parish exceed the total amount of costs levied,~~
20 ~~collected, and remitted by that parish to the Louisiana Commission on Law~~
21 ~~Enforcement and Administration of Criminal Justice as required by R.S. 46:1816(D)~~
22 ~~for the preceding two fiscal years prior to the date of the crime to which this Chapter~~
23 ~~applies, or ten thousand dollars, whichever is greater. This Subsection shall not~~
24 ~~apply if the board determines that a qualified claimant would suffer severe and undue~~
25 ~~hardship if economic relief is not provided. Awards payable to all claimants for~~
26 ~~pecuniary losses incurred by reason of personal injury or death suffered by any one~~
27 ~~victim as a direct result of a crime covered under this Chapter shall not exceed the~~
28 ~~following amounts:~~

29 (1) Fifteen thousand dollars in the aggregate.

1 ~~immediate economic relief is provided, the board may make an emergency award to~~
2 ~~the claimant pending its final decision in the case. The amount of an emergency~~
3 ~~award shall not exceed one thousand dollars. The board may make an emergency~~
4 ~~award, pending a final decision on an application for compensation, for a pecuniary~~
5 ~~loss that is incurred if all of the following are likely to occur:~~

6 (1) A final award will be made in accordance with the provisions of this
7 Chapter.

8 (2) The claimant will suffer undue hardship if immediate economic relief is
9 not obtained.

10 B. An emergency award shall not exceed one thousand dollars.

11 ~~B: C.~~ The amount of any an emergency award made to the claimant shall be
12 ~~deducted from any the final award made to the claimant receiving the emergency~~
13 ~~award. The claimant shall repay to the board the excess amount of the emergency~~
14 ~~award over that exceeds the final award, or the full amount if no final award is made.~~
15 ~~However, the board may waive all or part of the repayment if in its judgment~~
16 ~~repayment would cause severe financial hardship.~~

17 §1814. Effect of ~~reparations~~ compensation award on right to recover damages in
18 civil action; repayment of award

19 A. An order for ~~reparations payments under~~ compensation pursuant to this
20 ~~Chapter shall~~ does not affect the right of any person to institute a civil suit to recover
21 ~~damages for the personal injury, death, or catastrophic property loss or death suffered~~
22 ~~by the victim~~ from any other person. However, if damages in a civil action are
23 recovered, from the offender or any other third party, the person shall reimburse the
24 ~~Crime Victims Reparations~~ Victims' Compensation Fund, through the board, in an
25 amount equal to the amount of the ~~reparations award~~ compensation awarded or such
26 lesser amount as is recovered in damages in the civil action.

27 B. When any person who has received an award from the board files a civil
28 action to recover damages, he shall, ~~at the time of the filing of the suit,~~ notify the
29 board and the attorney general at the time of the filing of the civil suit.

1 §1815. Recovery from the ~~criminal~~ offender

2 A.(1) ~~Whenever any person is convicted of a crime and an order for the~~
3 ~~payment of reparations is or has been made under this Chapter for a personal injury,~~
4 ~~death, or catastrophic property loss resulting from the act or omission constituting~~
5 ~~the crime for which conviction was had, the attorney general, within one year after~~
6 ~~the date on which the judgment of conviction becomes final, may institute a civil~~
7 ~~action against the convicted person for the recovery of all or any part of the~~
8 ~~reparations payment. The attorney general may, within one year after the date that~~
9 ~~the judgment of conviction becomes final, institute a civil action against the~~
10 ~~convicted offender for the recovery of all or any part of the compensation that is~~
11 ~~awarded if an offender is convicted of a crime and an order for compensation is or~~
12 ~~has been made pursuant to this Chapter for a personal injury or death suffered by the~~
13 ~~victim that resulted from the act or omission constituting the crime for which the~~
14 ~~offender was convicted. The civil suit shall be instituted in the district court having~~
15 ~~jurisdiction in the parish ~~in which such person~~ where the offender resides or is found,~~
16 ~~or, in Orleans Parish, in the civil district court for that parish Orleans Parish. The~~
17 ~~court ~~shall have~~ has jurisdiction to hear, determine, and render judgment in any such~~
18 ~~action.~~

19 (2) Any amount recovered ~~under~~ pursuant to this Subsection shall be
20 deposited in the state treasury and, after meeting the requirements of Article VII,
21 Section 9 of the Constitution of Louisiana, credited to the Crime ~~Victims Reparations~~
22 ~~Victims' Compensation~~ Fund hereinafter created established pursuant to R.S.
23 46:1816. If an amount greater than the amount that was paid pursuant to the order
24 for ~~payment of reparations~~ compensation is recovered and collected in any ~~such~~
25 ~~action~~ brought pursuant to this Section, the board shall pay the balance to the
26 claimant.

27 B. The board shall provide the attorney general with ~~such~~ all necessary
28 information, data, and reports ~~as he may require~~ to institute actions in accordance
29 with this Section.

1 §1816. Crime ~~Victims Reparations~~ Victims' Compensation Fund; creation; sources
2 and use of funds

3 A. The Crime ~~Victims Reparations~~ Victims' Compensation Fund, hereinafter
4 referred to in this Section as "the fund," is hereby created in the state treasury.

5 B. The fund shall be composed of the following:

6 * * *

7 (4) All monies received from any action to recover damages for a crime
8 ~~which that~~ was the basis of a ~~reparations~~ an award of compensation under this
9 Chapter.

10 (5) Any restitution paid by an offender to a victim for damages for a crime
11 ~~which that~~ was the basis of a ~~reparations~~ an award of compensation under this
12 Chapter, and any restitution payments owed to a victim as a condition of an
13 offender's release on parole but directed to the fund pursuant to R.S.
14 15:574.4.2(C)(1)(b).

15 * * *

16 (8) Monies deposited by the state treasurer from the collection of unclaimed
17 prize money as provided for in R.S. 4:176 and R.S. 27:94, 252, 394, and 610, ~~which~~
18 ~~shall be used exclusively to pay the expenses associated with healthcare services of~~
19 ~~victims of sexually oriented criminal offenses, including forensic medical~~
20 ~~examinations as defined in R.S. 15:622.~~

21 C.(1) Except as provided in Paragraphs (2) and (3) of this Subsection, all
22 monies deposited in the fund shall be used solely to pay ~~reparation awards~~
23 compensation awarded to victims or claimants pursuant to this Chapter and the state
24 treasurer shall make disbursements ~~therefrom shall be made by the state treasurer~~
25 from the fund upon written order of the board, signed by the chairman, or a court.

26 (2)(a) Monies received from the collection of unclaimed prize money as
27 provided for in R.S. 4:176 and R.S. 27:94, 252, ~~and~~ 394, and 610 shall be used
28 exclusively to pay the expenses associated with healthcare services of victims of
29 sexually oriented criminal offenses, including forensic medical examinations ~~as~~

1 ~~defined in R.S. 15:622, and the reasonable costs to effectuate the purposes of this~~
2 Chapter. The reasonable costs authorized in this Paragraph are limited to a salary for
3 one full-time employee.

4 ~~(b) Notwithstanding Subparagraph (a) of this Paragraph, for state Fiscal~~
5 ~~Years 2020-2021, 2021-2022, and 2022-2023, monies received from the collection~~
6 ~~of unclaimed prize money as provided for in R.S. 4:176 and R.S. 27:94, 252, and 394~~
7 ~~shall be used exclusively to pay the expenses associated with healthcare services of~~
8 ~~victims of sexually oriented criminal offenses, including forensic medical~~
9 ~~examinations as defined in R.S. 15:622, lost earnings, and the reasonable costs of~~
10 ~~administering this Section. Such reasonable costs include salary for one full-time~~
11 ~~employee, salary for one part-time employee, equipment, operating expenses, and~~
12 ~~software support.~~

13 (3) Monies directed to the fund pursuant to R.S. 15:574.4.2(C)(1)(b) ~~may~~
14 shall be used to pay restitution owed to a victim pursuant to R.S. 15:574.4.2(C)(1)(a)
15 who applies for recovery of the restitution funds pursuant to the provisions of this
16 Chapter.

17 D.(1)

18 * * *

19 (b) The recipient of the costs shall remit all collected costs ~~so collected~~ to the
20 Louisiana Commission on Law Enforcement and Administration of Criminal Justice
21 on or before the first day of each calendar month to be deposited in the state
22 treasurer's account for credit to the ~~Crime Victims Reparations Fund~~ fund after
23 meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana.
24 The state treasurer shall invest the monies in this the fund ~~shall be invested by the~~
25 ~~state treasurer~~ in the same manner as monies in the state general fund, and interest
26 earned on the investment of these monies shall be credited to the fund following
27 compliance with the requirement of Article VII, Section 9(B) relative to the Bond
28 Security and Redemption Fund.

29 (2) Notwithstanding the provisions of Subsection C of this Section, monies
30 deposited in the ~~Crime Victims Reparations Fund~~ fund may be used to pay

1 reasonable costs of administering this Chapter. Disbursement of funds to pay such
2 costs shall be made only on written authorization of the chairman or vice chairman
3 of the board.

4 E.

5 * * *

6 (2) The recipient of the costs shall remit all costs ~~so~~ collected pursuant to this
7 Subsection and other provisions of this Section to the Louisiana Commission on Law
8 Enforcement and Administration of Criminal Justice on or before the first day of
9 each calendar month to be deposited in the state treasurer's account for credit to the
10 ~~Crime Victims Reparations Fund~~ fund after meeting the requirements of Article VII,
11 Section 9 of the Constitution of Louisiana. The state treasurer shall invest the
12 monies in ~~this the fund shall be invested by the state treasurer~~ in the same manner
13 as monies in the state general fund, and interest earned on the investment of these
14 monies shall be credited to the fund following compliance with the requirement of
15 Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond
16 Security and Redemption Fund. The amount of money generated by the two dollar
17 fee included in the ~~Crime Victims Reparation Fund~~ fund shall be used by the
18 Louisiana Commission on Law Enforcement and Administration of Criminal Justice
19 to train local law enforcement officers and to provide assistance to local law
20 enforcement agencies.

21 §1817. Notification to potential applicants

22 A.~~(1)~~ Every hospital licensed under the laws of this state shall ~~display~~
23 prominently prominently display posters in its emergency room ~~posters giving that~~
24 provide notification of the existence of the crime ~~victims reparations~~ victims'
25 compensation program. The board shall set standards for the location of the display
26 and shall provide posters and general information regarding this Chapter to each
27 hospital.

28 ~~(2) Every hospital and healthcare provider licensed under the laws of this~~
29 ~~state shall make available to hospitals and healthcare providers a pamphlet~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 containing an explanation of the billing process for services rendered pursuant to the
2 provisions of R.S. 40:1300.41.

3 B. Application forms provided by the board shall be made available to
4 individuals a person upon request at ~~the~~ a parish sheriff's office.

5 * * *

6 §1818. Report to legislature and governor

7 The board shall submit an annual report to the legislature and the governor
8 detailing its activities during the preceding year. The report shall be made available
9 electronically on the website of the Louisiana Commission on Law Enforcement and
10 Administration of Criminal Justice. A sufficient number of copies shall be printed
11 for distribution to the governor, the chairman of the House Committee on Judiciary,
12 the chairman of the Senate Committee on Judiciary C, and to as many others as may
13 be requested.

14 §1819. Penalty for fraud

15 A. No person shall procure or counsel another person to procure ~~reparations~~
16 under compensation pursuant to the provisions of this Chapter by any fraud. ~~The~~
17 ~~penalty for the violation of~~

18 B. Whoever violates the provisions of this Section shall be ~~a fine of~~ fined not
19 more than five hundred dollars or ~~imprisonment~~ imprisoned for not more than ~~one~~
20 year six months, or both.

21 §1820. Attorney fees

22 ~~As part of an order resulting from a hearing, the~~ The board shall determine
23 and award reasonable ~~attorney's~~ attorney fees, ~~commensurate as part of an order that~~
24 results from a hearing and proportionate with the services rendered, to be paid from
25 the ~~fund~~ Crime Victims' Compensation Fund in accordance with rules adopted by the
26 board. ~~Additional attorney's~~ A court may award additional attorney fees ~~may be~~
27 ~~awarded by a court~~ in the event of a review by the court in which the claimant
28 prevails. ~~Attorney's~~ Attorney fees may be denied on a finding that the claim or
29 appeal is frivolous. Awards of ~~attorney's~~ attorney fees shall be in addition to ~~awards~~
30 ~~of reparations~~ compensation awarded and may be made regardless of whether ~~or not~~

1 compensation is awarded. ~~In no event shall an~~ No award of ~~attorney's~~ attorney fees
2 ~~be in excess of~~ shall exceed a rate of fifty dollars per hour.

3 §1821. Limited liability of the state

4 The state ~~shall not be~~ is not liable for the claim of any ~~applicant~~ victim or
5 claimant in excess of the funds appropriated for the payment of claims under this
6 Chapter.

7 §1822. Forensic medical ~~exams~~ examinations; reimbursement

8 A. The ~~board shall reimburse~~ a healthcare provider who ~~performs~~ conducted
9 a forensic medical ~~exam~~ examination shall be reimbursed in the amount of six
10 hundred dollars. The ~~board shall reimburse the~~ healthcare facility ~~at which a~~ where
11 the forensic medical exam examination was conducted ~~for the cost of performing the~~
12 exam shall be reimbursed in the amount of one thousand dollars.

13 B. In order to be reimbursed for the costs of ~~performing~~ conducting a
14 forensic medical ~~exam~~ examination, the healthcare provider or ~~the~~ healthcare facility
15 seeking reimbursement shall ~~submit to the board~~ an attestation that a forensic
16 medical ~~exam~~ examination was conducted. The attestation shall contain only
17 sufficient information to identify the victim, the date that the ~~exam~~ examination was
18 ~~performed~~ conducted, and the address ~~to which~~ where payment can be made for the
19 healthcare provider or healthcare facility. ~~The board shall not require~~ healthcare
20 provider or healthcare facility is not required to submit any billing documentation
21 or medical records ~~from the healthcare provider or the healthcare facility~~ as a
22 condition of payment under the provisions of this Section.

23 C. A request for reimbursement by a healthcare provider or healthcare
24 facility ~~for the performance of~~ conducting a forensic medical ~~exam~~ examination
25 does not constitute ~~reparations~~ an award of compensation and ~~therefore shall be~~
26 ~~immediately payable and~~ does not require approval any order, decision, or
27 determination from the board as a condition of payment. ~~The board shall direct~~ The
28 personnel employed by the Louisiana Commission on Law Enforcement and
29 Administration of Criminal Justice to carry out the functions of the board and
30 effectuate the purposes of this Chapter have sole authority to make any decision or

1 determination regarding a request for reimbursement. A payment to shall be made
2 to a the healthcare provider or healthcare facility no later than thirty calendar days
3 from the date that the attestation is submitted ~~to the board by the healthcare provider~~
4 ~~or healthcare facility.~~

5 * * *

6 §1842. Definitions

7 In this Chapter, the following terms have the following meanings:

8 * * *

9 (9) "Judicial agency" means the district court and officers thereof, including
10 the judge, the prosecutor, and the clerk of court, the Crime ~~Victims Reparations~~
11 Victims' Compensation Board, the Department of Public Safety and Corrections, and
12 the division of probation and parole.

13 * * *

14 §1844. Basic rights for victim and witness

15 * * *

16 V. Crime victim's assistance hotline. In furtherance of the purposes of this
17 Section, a statewide crime victim's assistance hotline may be established. The Crime
18 ~~Victims Reparations~~ Victims' Compensation Board along with the Louisiana
19 Commission on Law Enforcement and Administration of Criminal Justice shall
20 jointly operate the hotline and periodically review the criteria and implementation
21 procedures of ~~said~~ the hotline.

22 W. Confidentiality of crime victims who are minors, victims of sex offenses,
23 and victims of human trafficking-related offenses.

24 (1)(a) In order to protect the identity and provide for the safety and welfare
25 of crime victims who are minors under the age of eighteen years and of victims of
26 sex offenses or human trafficking-related offenses, notwithstanding any provision
27 of law to the contrary, all public officials and officers and public agencies, including
28 but not limited to all law enforcement agencies, sheriffs, district attorneys, judicial
29 officers, clerks of court, the Crime ~~Victims Reparations~~ Victims' Compensation
30 Board, and the Department of Children and Family Services or any division ~~thereof~~

1 of the department, shall not publicly disclose the name, address, contact information,
 2 or identity of crime victims who at the time of the commission of the offense are
 3 minors under eighteen years of age or of victims of sex offenses or human
 4 trafficking-related offenses, regardless of the date of commission of the offense. The
 5 confidentiality of the identity of the victim who at the time of the commission of the
 6 offense is a minor under eighteen years of age or the victim of a sex offense or
 7 human trafficking-related offense may be waived by the victim. The public
 8 disclosure of the name of the juvenile crime victim by any public official or officer
 9 or public agency is not prohibited by this Subsection when the crime resulted in the
 10 death of the victim. Nothing in this Subsection shall be construed to require the
 11 redaction of a victim's name when the named victim is the one requesting such
 12 documents, reports, or any other records.

* * *

14 (3) Notwithstanding any other provision of law to the contrary, all public
 15 officials, officers, and public agencies, including but not limited to all law
 16 enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court,
 17 the Crime ~~Victims Reparations~~ Victims' Compensation Board, and the Department
 18 of Children and Family Services or any division ~~thereof~~ of the department, charged
 19 with the responsibility of knowing the name, address, contact information, and
 20 identity of crime victims who are minors or of crime victims of a sex offense or a
 21 human trafficking-related offense as a necessary part of their duties shall have full
 22 and complete access to this information regarding a crime victim who is a minor or
 23 a victim of a sex offense or a human trafficking-related offense. Either prior to or
 24 at the time of a request for information, the public official or officer or public agency
 25 shall take measures to prevent the public disclosure of the name, address, contact
 26 information, or identity of such a crime victim who is a minor or a victim of a sex
 27 offense or human trafficking-related offense, which may include the use of initials,
 28 abbreviations, or any other form of concealing the identity of the victim on all public
 29 documents.

* * *

1 (2) "Board" means the Crime ~~Victims Reparations~~ Victims' Compensation
2 Board as provided for by Chapter 21 of this Title.

3 (3) "~~Catastrophic property damage~~" means ~~catastrophic property damage as~~
4 ~~defined in Chapter 21 of this Title.~~

5 (4)(3) "Defendant" means an offender who has been convicted of a capital
6 offense and sentenced to death in accordance with the provisions of R.S. 15:567
7 through 571.

8 (5)(4) "Minor" means a person under the age of eighteen years.

9 (6)(5)(a) "Victim" means any of the following:

10 (i) A person who suffers death, injury, or catastrophic property damage
11 personal injury or death as a result of the defendant's crime, ~~or any.~~

12 (ii) Any person who is otherwise eligible to have a judgment or reparations
13 award of compensation satisfied from a defendant's escrow account as provided ~~for~~
14 ~~by this Chapter, or any.~~

15 (iii) Any legal representative thereof, but does not include of a person
16 described in Items (i) or (ii) of this Subparagraph.

17 (b) "Victim" does not include any person denied eligibility for ~~a reparations~~
18 an award by Chapter 21 of this Title.

19 §1852. Profits relative to criminal acts or notoriety

20 * * *

21 D. A victim who meets the eligibility requirements and other provisions of
22 this Chapter shall be entitled, subject to the limitations contained in this Chapter, to
23 an amount from the defendant's escrow account equal to the unsatisfied portion of
24 the civil judgment or ~~reparations~~ compensation award obtained by the victim.

25 §1853. Distribution of escrow account funds

26 A. Proceeds paid into an escrow account provided ~~for~~ by this Chapter shall
27 be retained for a period of ten years after the date of the court order or deposit by the
28 contracting party, but during that period may be levied upon to satisfy a money
29 judgment or ~~reparations~~ compensation award rendered in favor of a victim or the
30 legal representative of the victim of the defendant's crime.

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1 B. ~~If so ordered by a court, with notice to all interested parties and~~
 2 ~~opportunity for hearing, the escrow account shall be used to satisfy, and~~
 3 ~~disbursements made therefrom by the treasurer, in the following order~~ The escrow
 4 account and disbursements from the account that are made by the treasurer, if
 5 ordered by a court with notice to all interested parties and an opportunity for a
 6 hearing, shall be used to satisfy in the following order:

7 * * *

8 (2) A money judgment rendered by a court or an award of reparations
 9 compensation by the Crime ~~Victims Reparations~~ Victims' Compensation Board in
 10 favor of a victim of the defendant's crime.

11 * * *

12 C. At the end of the ten-year period provided ~~for~~ in Subsection A of this
 13 Section, the remaining escrow account funds shall be paid into the Crime ~~Victims~~
 14 ~~Reparations~~ Victims' Compensation Fund as provided ~~for~~ by R.S. 46:1816.
 15 However, if a civil action is pending against the defendant that would be eligible to
 16 be satisfied out of the escrow account, then the funds shall be held in escrow until
 17 completion of the action.

18 * * *

19 Section 10. Code of Criminal Procedure Article 890.2(D) is hereby amended and
 20 reenacted to read as follows:

21 Art. 890.2. Fines for individual defendants

22 * * *

23 D. The amount of reimbursement ~~under~~ in accordance with this Article shall
 24 not be in excess of the per capita cost of care for maintaining inmates in the state
 25 correctional facility in which the inmate is housed. The funds collected from the
 26 fines imposed pursuant to this Article shall be distributed to the entity that expended
 27 the funds. However, ten percent of the funds shall go to the Crime Victims'
 28 ~~Reparation~~ Compensation Fund as provided in R.S. 46:1816.

1 Section 11. Children's Code Articles 811.1(A)(introductory paragraph) and (7) and
2 811.2(D) are hereby amended and reenacted to read as follows:

3 Art. 811.1. Rights of the victim of alleged delinquent act

4 A. The juvenile court, district attorneys, and law enforcement agencies shall
5 provide the following services to victims of alleged delinquent acts, ~~providing~~
6 provided that the victim reported the act to law enforcement authorities within
7 seventy-two hours of its occurrence or discovery, unless extenuating circumstances
8 exist for later reporting:

9 * * *

10 (7) The appropriate law enforcement agency shall ensure that the victim
11 receives emergency, social, and medical services as soon as possible. The
12 appropriate law enforcement agency shall also distribute to the victim, or to the
13 family of a homicide victim, a crime victim's brochure prepared by the Crime
14 ~~Victims Reparations~~ Victims' Compensation Board as provided in R.S. 46:1844(T),
15 and supplemented as necessary by the district attorney with victim information
16 specific to the parish in which the delinquent act is alleged to have occurred, ~~as~~
17 ~~provided in R.S. 46:1844(A).~~

18 * * *

19 Art. 811.2. Victims of juvenile crime compensation fund; established;
20 disbursements

21 * * *

22 D. The clerk of court shall remit one-third of the total sums collected or
23 received pursuant to this Article on a monthly basis to the Crime ~~Victims~~
24 ~~Reparations~~ Victims' Compensation Fund as provided in R.S. 46:1801 et seq R.S.
25 46:1816.

26 Section 12. Chapter 21-A of Title 46 of the Louisiana Revised Statutes of 1950,
27 comprised of R.S. 46:1831.1 through 1831.16, is hereby repealed in its entirety.

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 969 Original

2026 Regular Session

Wiley

Abstract: Provides relative to compensation for victims of criminal offenses.

Proposed law amends provisions of Titles 4, 10, 15, 27, 32, 36, 40, 44, and 46 of the La. R.S. of 1950, the Code of Criminal Procedure, and the Children's Code to reflect the proposed law change of references to all of the following terminology:

- (1) "Reparations" to "compensation".
- (2) "Crime Victims Reparations Fund" to "Crime Victims' Compensation Fund".
- (3) "Crime Victims Reparations Board" to "Crime Victims' Compensation Board".
- (4) The removal of any reference to "catastrophic property loss".

Present law (R.S. 46:1803, 1807, 1811, 1814, 1815, 1818, 1820, and 1821) provides for the Crime Victims Reparation Board, board procedures, reparation orders, the effect of a reparations award on the right to recover damages in a civil action, repayment of award, recovery from a criminal, a report to the legislature and governor, attorney fees, and a limitation of liability for the state.

Proposed law generally retains and restructures present law.

Present law (R.S. 46:1802) provides for definitions.

Proposed law generally retains present law and provides for the following:

- (1) Restructures the definitions of "child" and "victim".
- (2) Within the definition of "claimant", adds more individuals who are eligible to file an application for compensation under present law.
- (3) Within the definition of "collateral source":
 - (a) Provides that wage continuation programs of an employer do not include vacation and sick leave benefits.
 - (b) Adds damages recovered from the offender or any other third party as a result of a civil suit.
- (4) Within the definition of "pecuniary loss", adds the following as expenses reasonably and necessarily incurred by reason of the personal injury or death suffered by the victim as follows:
 - (a) Clothing, bedding, or property of the victim seized as evidence or rendered unusable as a direct result of a criminal investigation.
 - (b) Temporary lodging or permanent relocation when immediate relocation is necessary for the health and safety of the victim or the victim's household member.

- (c) Costs associated with the removal of a tattoo the victim received through fraud, force, or coercion as a direct result of a human trafficking-related offense.
- (5) Adds definitions for "family member", "forensic medical examination", "household member", "human trafficking-related offense", "La. resident", "person", and "personal injury".

Present law (R.S. 46:1804) provides for eligibility applications.

Proposed law amends present law to remove the condition that a person believe he is a victim of a crime and provides that a person who is a victim of a crime or a claimant is eligible to apply for compensation under proposed law. Further restructures present law.

Present law (R.S. 46:1805) provides for crimes applicable to present law.

Proposed law adds sexually oriented offenses as applicable crimes and restructures present law.

Present law (R.S. 46:1806) provides for application requirements.

Proposed law amends present law as follows:

- (1) Changes the time period for filing from one year to three years and provides this periods begins from the date the crime is committed.
- (2) Within the term "reasonable documentation", provides that this term includes the following:
 - (a) A report from law enforcement, rather than a police report.
 - (b) Court records pertaining to the crime, rather than evidencing the criminal prosecution.
 - (c) An attestation from a healthcare provider who conducted an examination of the personal injury suffered by the victim.
 - (d) An attestation from a healthcare provider or coroner who conducted a forensic medical examination on the victim.
- (3) Removes certain certifications and documentation that are considered "reasonable documentation".
- (4) Removes provisions of present law relative to the time periods to submit an application when the offense is homicide, when the offender of a homicide offense dies, and when the offense is a sexually oriented criminal offense.
- (5) Relative to information submitted to the board as part of an application, adds itemized billing statements as documents to be submitted.
- (6) Restructures the provisions of present law.

Present law (R.S. 46:1807) provides for powers and duties of the board.

Proposed law amends present law as follows:

- (1) Removes responsibility of the board as it pertains to present law, relative to victims of vehicular homicide.

- (2) Removes a duplicative requirement that the board prepare and distribute application forms.
- (3) Removes the permissive ability of the board to promulgate rules.
- (4) Requires the board to maintain a current list of websites, rather than a record, for crime victims' compensation programs in other states and territories of the U.S. for La. residents who were victimized outside of La. Further provides that the board is not required to maintain a current list of websites, rather than a record, for crime victims' compensation programs in other countries.
- (5) Requires the board to make the list electronically available on the website of the La. Commission on Law Enforcement and Admin. of Criminal Justice (LCLE).
- (6) Removes an incorrect cross-reference and restructures present law.

Present law (R.S. 46:1809) provides for the criteria for making awards.

Proposed law amends present law as follows:

- (1) Removes a provision that requires the granting of a partial award over a total denial when one part of an award is denied.
- (2) Provides, as a condition for the denial of an award, that the failure or refusal of the victim or claimant to cooperate substantially with reasonable requests of appropriate law enforcement officials has to occur during the course of the criminal investigation.
- (3) Removes the ability of the board to deny or reduce an award to the extent that the pecuniary loss is recouped from collateral or other sources.
- (4) Removes the board's authorization to deny compensation to a victim who was injured or killed while incarcerated prior to a conviction if it is subsequently determined that the victim was guilty of the offense that resulted in his incarceration.
- (5) Restructures present law.

Present law (R.S. 46:1810) provides for award amounts.

Proposed law retains the maximum amounts of \$15,000 in the aggregate and \$25,000 in the aggregate if the personal injury suffered by a victim results in a permanent and total disability to the victim.

Proposed law removes a prohibition on the maximum award amount in excess of the total amount of costs levied, collected, and remitted by that parish to the LCLE as required by present law (R.S. 46:1816(D)) for the preceding two fiscal years prior to the date of the crime that warrants an award under present law, or \$10,000, whichever is greater.

Proposed law further removes an exception based on the board's determination that a qualified claimant would suffer severe and undue hardship if economic relief is not provided.

Present law (R.S. 46:1810) provides for emergency awards.

Proposed law retains the maximum emergency award amount of \$1,000. Further removes the ability of the board to waive all or part of the repayment if the repayment of an emergency award that exceeded the final award would cause severe financial hardship.

Present law (R.S. 46:1816) provides for the creation of the Crime Victims Reparations Fund.

Proposed law amends present law as follows:

- (1) Provides that monies deposited from the collection of unclaimed prize money as provided in present law (R.S. 4:176 and R.S. 27:94, 252, 394, and 610) be used exclusively to pay certain expenses and the reasonable costs to effectuate the purposes of present law. Further provides that the reasonable costs provided in present law are limited to a salary for one full-time employee.
- (2) Removes provisions of present law relative to certain fiscal years and the specifically enumerated expenses that monies in the fund were required to cover for those years.
- (3) Requires, rather than permits, that monies directed to the fund pursuant to present law be used to pay restitution owed to a victim pursuant to present law who applies for recovery of the restitution funds pursuant to present law.
- (4) Restructures present law.

Present law (R.S. 46:1817) provides for notification to potential applicants.

Proposed law generally retains present law and removes a provision that requires every hospital and healthcare provider to make a pamphlet containing an explanation of the billing process for services rendered available to hospitals and healthcare providers.

Present law (R.S. 46:1819) provides for a penalty of fraud consisting of a maximum fine of \$500 and a maximum imprisonment term of one year.

Proposed law changes the maximum term of imprisonment from one year to six months.

Present law (R.S. 46:1822) provides for forensic medical exams.

Proposed law amends present law as follows:

- (1) Removes the board as the entity responsible for reimbursement of forensic medical examinations and provides that no order, decision, or determination of the board is needed as a condition of payment.
- (2) Provides that the personnel employed by the LCLE to carry out the functions of the board and effectuate the purposes of present law have sole authority to make any decision or determination regarding a request for reimbursement.

Present law (R.S. 46:1851) provides for definitions.

Proposed law removes the definition for the term "catastrophic property damage" and restructures the provisions of present law.

Present law (R.S. 46:1853) provides for the distribution of escrow account funds.

Proposed law retains and restructures present law.

Present law (R.S. 46:1831.1-1831.16) provides for the "Victims of Vehicular Homicide Act" and further provides for definitions, eligibility, applicability, decision-making, award amounts, the creation and maintenance of a fund, recovery from offenders, prohibitions, penalties, reporting, limited liability, and termination provisions.

Proposed law repeals present law.

(Amends R.S. 4:176(B), R.S. 10:9-406(i) and 9-408(f), R.S. 15:574.4.2(C)(1), 705(C)(3)(a) and (D)(3), 874(7), 875(E), and 1223, R.S. 27:94(C), 252(C), 394(C), and 610(A)(3)(c), R.S. 32:865(B)(2), R.S. 36:4(B)(11)(b), R.S. 40:1216.1(A)(intro. para.) and (6)(intro. para.) and

(b), R.S. 44:4(28), the heading of Ch. 21 of Title 46 of the La. Rev. Stat., R.S. 46:1801, 1802(intro. para.), (1)-(4), (5)(intro. para.), (a)-(c), (e), (f), and (6)-(15), 1803-1806, 1807(A), (B), (C), (D)(1), and (F), 1808, 1809(A), (B), (C), (D)(1)(intro. para.) and (b) and (2), and (E), 1810, 1811(A), (B), and (C), 1812-1815, 1816(A), (B)(intro. para.), (4), (5), and (8), (C), (D)(1)(b) and (2), and (E)(2), 1817(A) and (B), 1818-1822, 1842(intro. para.) and (9), 1844(V) and (W)(1)(a), (3), and (5)(a) and (c), 1851, 1852(D), and 1853(A), (B)(intro. para.) and (2), and (C), C.Cr.P. Art. 890.2(D), and Ch.C. Arts. 811.1(A)(intro. para.) and (7) and 811.2(D); Adds R.S. 46:1802(5)(h) and (16)-(20); Repeals R.S. 46:1831.1-1831.16)