
DIGEST

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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)