

2026 Regular Session

HOUSE BILL NO. 994

BY REPRESENTATIVE FONTENOT

CRIMINAL/RESTITUTION: Provides relative to the payment of restitution from offenders convicted of vehicular homicide under certain circumstances

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 883.2(D) and to enact R.S.
3 14:32.1(E) and Code of Criminal Procedure Article 883.2(E), relative to restitution;
4 to permit payment of certain restitution to the minor child of a victim of vehicular
5 homicide; to provide relative to authorized duties of the court; to provide relative to
6 the calculation of restitution payments; to provide for duties of the defendant; to
7 provide for enforcement; to provide relative to penalties for vehicular homicide; and
8 to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Criminal Procedure Article 883.2(D) is hereby amended and
11 reenacted and Code of Criminal Procedure Article 883.2(E) is hereby enacted to read as
12 follows:

13 Art. 883.2. Restitution to victim

14 * * *

15 D.(1) The court, upon motion of the district attorney, may order anyone who
16 is convicted of vehicular homicide as provided in R.S. 14:32.1 to pay restitution to
17 the child of the victim until the child reaches eighteen years of age.

18 (2) If restitution is ordered pursuant to this Paragraph, the court shall
19 calculate the restitution payments based on the loss of income of the deceased parent
20 or legal guardian using the guidelines set forth in R.S. 9:315 et seq.

1 (3) Restitution ordered pursuant to this Paragraph shall be deducted from a
2 civil judgment if the surviving parent or legal guardian of the child brings a civil
3 action against the offender and obtains a judgment in favor of the surviving parent
4 or legal guardian.

5 (4)(a) If a defendant who is ordered to pay restitution pursuant to this
6 Paragraph is unable to pay because of imprisonment, the defendant shall commence
7 payment upon the immediate occurrence of either of the following:

8 (i) The release of the defendant from incarceration for any reason that
9 includes but is not limited to completion of sentence or diminution of sentence for
10 good behavior as provided in R.S. 15:571.3.1. The defendant shall begin making
11 payments no later than one year from the date of the defendant's release from
12 incarceration.

13 (ii) The admittance of the defendant into a work release program
14 administered by the Department of Public Safety and Corrections pursuant to Title
15 15 of the Louisiana Revised Statutes of 1950. Wages of the defendant are subject
16 to garnishment in order to satisfy the restitution ordered pursuant to this Paragraph.

17 (b) The defendant may enter into a payment plan to address any arrearage
18 that exists on the date of the defendant's release from imprisonment or admittance
19 into a work release program.

20 (c) The defendant shall pay all arrearages unless the child of the victim
21 reaches eighteen years of age during the duration of the defendant's imprisonment.

22 (5) The payment of restitution that is ordered pursuant to this Paragraph shall
23 be enforced in accordance with Article 886.

24 E. Notwithstanding any other provision of law to the contrary, if the
25 defendant is found to be indigent and therefore unable to make restitution in full at
26 the time of conviction, the court may order a periodic payment plan pursuant to the
27 provisions of Article 875.1.

1 Section 2. R.S. 14:32.1(E) is hereby enacted to read as follows:

2 §32.1. Vehicular homicide

3 * * *

4 E. In addition to the penalties provided in this Section, a person convicted
5 pursuant to this Section may be ordered to make restitution in accordance with Code
6 of Criminal Procedure Article 883.2.

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 994 Original

2026 Regular Session

Fontenot

Abstract: Provides relative to the payment of restitution from an offender convicted of vehicular homicide when the victim is survived by a minor child.

Present law (C.Cr.P. Art. 883.2) provides for restitution.

Proposed law retains present law.

Proposed law authorizes the court, upon motion of the district attorney, to order anyone convicted of vehicular homicide to pay restitution to the child of the victim until the child reaches 18 years of age.

Proposed law provides for calculation of restitution payments based on the loss of income of the deceased parent or legal guardian using the guidelines set forth in present law (R.S. 9:315 et seq.).

Proposed law provides for the deduction of restitution from a civil judgment if the surviving parent or legal guardian of the child brings a civil action against the offender and obtains a favorable judgment.

Proposed law requires a defendant who is unable to pay restitution because of imprisonment to commence payment upon the immediate occurrence of either of the following:

- (1) Release from incarceration for any reason that includes but is not limited to completion of sentence or diminution of sentence for good behavior as provided in present law (R.S. 15:571.3.1). Further requires the defendant to begin making payments no later than one year from the date of his release from incarceration.
- (2) Admittance of the defendant into a work release program administered by the Dept. of Public Safety & Corrections (DPS&C). Further provides for the garnishment of the defendant's wages in order to satisfy the restitution ordered pursuant to proposed law.

Proposed law permits the defendant to enter into a payment plan to address any arrearage that exists on the date of the defendant's release from imprisonment or admittance into a work release program.

Proposed law requires the defendant to pay all arrearages unless the child of the victim reaches 18 years of age during the duration of the defendant's imprisonment.

Proposed law requires payment of restitution that is ordered pursuant to proposed law to be enforced in accordance with present law (C.Cr.P. Art. 886).

Present law (R.S. 14:32.1) provides for the crime of vehicular homicide and provides for penalties.

Proposed law retains present law and provides that in addition to the penalties provided in present law, a person convicted of vehicular homicide may be ordered to make restitution in accordance with proposed law.

(Amends C.Cr.P. Art. 883.2(D); Adds R.S. 14:32.1(E) and C.Cr.P. Art. 883.2(E))