
DIGEST

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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))