2017 Regular Session

HOUSE BILL NO. 286

1

BY REPRESENTATIVE SMITH

2 To amend and reenact R.S. 15:574.4.2(C) and R.S. 46:1807(B)(1), (3), and (5) and 3 1816(B)(5) and (C)(1) and to enact R.S. 46:1806(F), 1809(D), and 1816(C)(3), 4 relative to restitution as a condition of parole; to provide for the payment of 5 restitution to the Crime Victims Reparations Fund in certain cases; to provide for 6 recovery by the victim of restitution payments directed to the Crime Victims 7 Reparations Fund; to provide relative to the duties of the Crime Victims Reparations 8 Board; to provide relative to the source and use of funds in the Crime Victims 9 Reparations Fund; and to provide for related matters. 10 Be it enacted by the Legislature of Louisiana: 11 Section 1. R.S. 15:574.4.2(C) is hereby amended and reenacted to read as follows: 12 §574.4.2. Decisions of committee on parole; nature, order, and conditions of parole; 13 rules of conduct; infectious disease testing 14 15 C.(1)(a) When a victim of the crime for which parole is being considered has 16 suffered a direct pecuniary loss other than damage to or loss of property, the parole 17 committee may impose as a condition of parole that restitutions restitution be made 18 to the victim be made. When such a condition is imposed, the committee shall take 19 into account consider the defendant's ability to pay and shall not revoke parole based 20 upon this condition unless the parolee has willfully failed to comply. When the 21 victim's loss consists of damage to or loss of property, the committee shall impose 22 as a condition of parole payment of restitution, either in a lump sum or in monthly

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

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1	installments based on the earning capacity and assets of the defendant. If the victim
2	was paid for such property loss or damage with monies from the Crime Victims
3	Reparations Fund, the committee shall order the parolee to make such payments as
4	reimbursement to the fund in the same amount as was paid from the fund to the
5	victim. This condition of parole shall continue until such time as the restitution is
6	paid or the parolee is discharged from parole in accordance with R.S. 15:574.6.
7	(b) If restitution to the victim is ordered as a condition of parole in
8	accordance with the provisions of this Subsection and the victim cannot be located
9	by the probation and parole officer within one year after the condition is imposed,
10	the defendant shall direct the restitution payments to the Crime Victims Reparations
11	Fund as provided for in R.S. 46:1816.
12	(2) Nothing herein in this Subsection shall affect a victim's civil remedy
13	except that funds actually received shall be credited to any civil judgment arising out
14	of the same offense.
15	* * *
16	Section 2. R.S. 46:1807(B)(1), (3), and (5) and 1816(B)(5) and (C)(1) are hereby
17	amended and reenacted and R.S. 46:1806(F), 1809(D), and 1816(C)(3) are hereby enacted
18	to read as follows:
19	§1806. Application; requirements; confidentiality
20	* * *
21	F. A victim who was owed restitution as a condition of an offender's parole
22	pursuant to R.S. 15:574.4.2(C)(1)(a) but whose restitution payments were directed
23	to the Crime Victims Reparations Fund pursuant to R.S. 15:574.4.2(C)(1)(b) may file
24	an application for recovery of the restitution in a written format developed by the
25	board.
26	§1807. Powers and duties of board; staff
27	* * *
28	B. In the performance of its powers and duties the board shall:
29	(1) Prescribe, distribute, and otherwise make available forms for use in
30	making application for reparations and, where appropriate, recovery of restitution

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1	funds directed to the Crime Victims Reparations Fund pursuant to R.S.
2	15:574.4.2(C)(1)(b).
3	* * *
4	(3) Receive, verify, and process applications for reparations and, where
5	appropriate, recovery of restitution funds directed to the Crime Victims Reparations
6	Fund pursuant to R.S. 15:574.4.2(C)(1)(b).
7	* * *
8	(5) Make a written decision with respect to each application received by it
9	and order payment of reparations or, where appropriate, recovery of restitution funds
10	to victims in accordance with this Chapter.
11	* * *
12	§1809. Criteria for making awards; prohibitions; authority to deny or reduce awards
13	* * *
14	D.(1) When a victim applies for the recovery of restitution pursuant to R.S.
15	46:1806(F) the board shall order the payment of the restitution to the victim if all of
16	the following conditions apply:
17	(a) The board determines that an offender was ordered to pay restitution to
18	the victim as a condition of the offender's release on parole pursuant to R.S.
19	15:574.4.2(C)(1)(a).
20	(b) The restitution payments were directed to the Crime Victims Reparations
21	Fund pursuant to R.S. 15:574.4.2(C)(1)(b).
22	(2) When the board orders payment pursuant to the provisions of Paragraph
23	(1) of this Subsection, the provisions of Subsections A and B of this Section
24	regarding criteria for and determinations of eligibility for reparations and
25	determinations of the amount of reparations do not apply.
26	* * *
27	§1816. Crime Victims Reparations Fund; creation; sources and use of funds
28	* * *

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B. The fund shall be composed of:

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1 (5) Any restitution paid by an offender to a victim for damages for a crime 2 which was the basis of a reparations award under this Chapter, and any restitution 3 payments owed to a victim as a condition of an offender's release on parole but 4 directed to the fund pursuant to R.S. 15:574.4.2(C)(1)(b). 5 6 C.(1) Except as provided in Paragraph Paragraphs (2) and (3) of this 7 Subsection, all monies deposited in the fund shall be used solely to pay reparation 8 awards to victims pursuant to this Chapter and disbursements therefrom shall be 9 made by the state treasurer upon written order of the board, signed by the chairman, 10 or a court. 11 12 (3) Monies directed to the fund pursuant to R.S. 15:574.4.2(C)(1)(b) may 13 be used to pay restitution owed to a victim pursuant to R.S. 15:574.4.2(C)(1)(a) who 14 applies for recovery of the restitution funds pursuant to the provisions of this 15 Chapter. 16 SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: ____