

2022 Regular Session

HOUSE BILL NO. 408

BY REPRESENTATIVE DUBUISSON

PROBATION: Provides relative to probation and outstanding restitution

1 AN ACT

2 To enact Code of Criminal Procedure Article 897(C), relative to the termination of
3 probation; to provide relative to restitution; to provide for civil judgment; to provide
4 for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 897(C) is hereby enacted to read as
7 follows:

8 Art. 897. Termination of probation or suspended sentence; discharge of defendant

9 * * *

10 (C) If, at the termination of the defendant's term of supervision, any
11 restitution ordered by the court remains outstanding, the court shall render a
12 judgment against the defendant and in favor of the victim for the payment of money
13 in an amount equal to the restitution that is outstanding. This judgment may be
14 enforced in the same manner as provided for the execution of judgments pursuant to
15 Title II of Book V of the Code of Civil Procedure.

16 Section 2. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

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 408 Original

2022 Regular Session

DuBuisson

Abstract: Provides for a civil judgment in favor of the victim for outstanding restitution amounts at the termination of a defendant's term of supervision.

Present law provides for the termination of a defendant's probation or suspended sentence in both felony or misdemeanor cases.

Proposed law retains present law and provides that at the termination of a defendant's term of supervision, the court shall render a judgment against the defendant and in favor of the victim for any outstanding restitution.

Proposed law provides that the judgment can be pursued through executory proceedings in the Code of Civil Procedure.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds C.Cr.P. Art. 897(C))