Regular Session, 2011

HOUSE BILL NO. 122

BY REPRESENTATIVE WOOTON

CORRECTIONS: Provides for the imposition of a fee to defray the cost of presentence investigations

AN ACT

To enact Code of Criminal Procedure Article 875(A)(4), relative to sentencing; to provide relative to presentence investigations; to provide for fees; to provide for the use of the fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 875(A)(4) is hereby enacted to read as follows:

Art. 875. Presentence investigation; juvenile records; drug screening

A.

* * *

(4)(a) If the court orders a presentence investigation to be conducted, the court shall simultaneously order the defendant to pay to the department an amount not to exceed one hundred fifty dollars to defray the cost of conducting the presentence investigation and preparing presentence investigation reports. The order to pay shall be included in the judgment.

(b) The amount to be paid by the defendant pursuant to this Subparagraph shall be determined by the Department of Public Safety and Corrections and shall be based on the defendant's ability to pay. In making this determination, the department may consider such factors as the defendant's income, property owned by the

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defendant, outstanding obligations of the defendant, and the number and ages of any dependents of the defendant.

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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)]

Wooton HB No. 122

Abstract: Allows division of probation and parole to charge the defendant a fee to defray the cost of presentence investigations.

Present law authorizes the court to order a presentence investigation on a defendant convicted of a felony offense or a misdemeanor offense that has been reduced from a felony.

Proposed law retains present law and provides that when the court orders a presentence investigation of the defendant, the court shall order that the defendant pay to the department an amount not to exceed $150 to defray the cost of conducting the presentence investigation and preparing the presentence investigation report.

Proposed law provides that the amount of the fee shall be determined by the department based on the defendant's ability to pay.

(Adds C.Cr.P. Art. 875(A)(4))

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