

Regular Session, 2012

SENATE BILL NO. 68

BY SENATOR KOSTELKA

DISTRICT ATTORNEYS. Allows a district attorney to assess a collection fee of 20% of funds due when the amount payable to the state or to a crime victim has not been satisfied. (gov sig)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 895.5(D), relative to restitution  
3 recovery divisions established by district attorneys; to authorize a district attorney  
4 to assess a collection fee on funds due when the amount payable to the state or to a  
5 crime victim has not been satisfied; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 895.5(D) is hereby amended and  
8 reenacted to read as follows:

9 Art. 895.5. Restitution recovery division; district attorneys; establishment

10 \* \* \*

11 D. Collection fee. **As provided for in Paragraph A of this Article, when**  
12 **an amount payable to the state or to a crime victim has not been satisfied in**  
13 **accordance with Article 888, or when** ~~When~~ a matter has been transferred to the  
14 district attorney as provided in Paragraph B of this Article, the district attorney may  
15 assess a collection fee of twenty percent of the funds due, which shall be added to  
16 the amount of funds due. Any fees collected pursuant to this Paragraph shall be  
17 distributed to the district attorney's restitution recovery division to be expended for

1           lawful purposes for the operation of the office of the district attorney. Funds  
 2           provided to the district attorney by this provision shall not reduce the amount  
 3           payable to the district attorney under any other provision of law or reduce or affect  
 4           the amounts of funding allocated by law to the budget of the district attorney. The  
 5           funds shall be audited as other state funds are audited. This provision shall not affect  
 6           the right of the office of the district attorney to proceed with the prosecution of any  
 7           violation as currently provided by law.

\* \* \*

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

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Alden A. Clement, Jr.

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DIGEST

Present law authorizes a district attorney to establish a "restitution recovery division" for the administration, collection, and enforcement of victim restitution, compensation assessments, probation fees, and other such payments ordered by the court in civil or criminal proceedings.

Present law further provides that a district attorney may assess a collection fee of 20% of such funds, and that the funds are to be distributed to the restitution recovery division fund.

Proposed law retains present law, and adds that a district attorney may also assess a 20% collection fee on any other amount payable to the state or to a crime victim that has not been satisfied in accordance with present law that requires that costs and fines imposed by a court are payable immediately.

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

(Amends C.Cr.P. Art. 895.5(D))