HLS 11RS-669 ENGROSSED

Regular Session, 2011

HOUSE BILL NO. 122

1

BY REPRESENTATIVE WOOTON

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

AN ACT

| 2 | To enact Code of Criminal Procedure Article 875(A)(4), relative to sentencing; to provide |
|----|---|
| 3 | relative to presentence investigations; to provide for fees; to provide for the use of |
| 4 | the fees; and to provide for related matters. |
| 5 | Be it enacted by the Legislature of Louisiana: |
| 6 | Section 1. Code of Criminal Procedure Article 875(A)(4) is hereby enacted to read |
| 7 | as follows: |
| 8 | Art. 875. Presentence investigation; juvenile records; drug screening |
| 9 | A. |
| 0 | * * * |
| 1 | (4)(a) If the court orders a presentence investigation to be conducted, the |
| 12 | court shall simultaneously order the defendant to pay to the department an amount |
| 13 | not to exceed one hundred fifty dollars to defray the cost of conducting the |
| 14 | presentence investigation and preparing presentence investigation reports. The order |
| 15 | to pay shall be included in the judgment. |
| 16 | (b) The amount to be paid by the defendant pursuant to this Subparagraph |
| 17 | shall be determined by the Department of Public Safety and Corrections and shall be |
| 18 | based on the defendant's ability to pay. In making this determination, the department |
| 19 | may consider such factors as the defendant's income, property owned by the |

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

dependents of the defendant.

3 * * *

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.

<u>Present law</u> 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.

<u>Proposed law</u> retains <u>present law</u> 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.

<u>Proposed law</u> 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))