

2017 Regular Session

HOUSE BILL NO. 116

BY REPRESENTATIVE DWIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/VICTIMS: Provides relative to the registration and rights of crime victims

1 AN ACT

2 To amend and reenact R.S. 46:1844(A)(2)(b) and (d), (M)(1) and (2), (O), and (R) and to
3 enact R.S. 46:1844(A)(2)(e), relative to rights of crime victims; to provide relative
4 to the registration of crime victims; to provide relative to the development of a
5 system that allows a victim to register and receive notices electronically; to authorize
6 a registered victim to submit a reentry statement recommending certain parole
7 conditions for the inmate; to require the Crime Victims Services Bureau to provide
8 the victim with information relative to the reentry statement; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 46:1844(A)(2)(b) and (d), (M)(1) and (2), (O), and (R) are hereby
12 amended and reenacted and R.S. 46:1844(A)(2)(e) is hereby enacted to read as follows:

13 §1844. Basic rights for victim and witness

14 A. Services and information concerning services available to victims and
15 witnesses of a crime.

16 * * *

17 (2) The Department of Public Safety and Corrections shall maintain the
18 Crime Victims Services Bureau presently in operation. The bureau shall publicize
19 and provide a way for crime victims and their family members to be kept informed
20 about the following:

21 * * *

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

1 (b) ~~Parole board~~ Committee on parole or pardon board hearings or other
2 release hearings.

3 * * *

4 (d) Beginning August 1, 2018, information regarding the process by which
5 a victim may provide a reentry statement to request that the inmate be subject to
6 certain proximity or contact restrictions as part of the inmate's parole conditions and
7 information on the availability of assistance to the victim in completing the reentry
8 statement.

9 (e) Inquiries concerning the department's policies and programs for inmates.

10 * * *

11 M. Victims' right to seek restitution.

12 (1) If the defendant is found guilty, the court or committee on parole board
13 shall require the defendant to pay restitution to the appropriate party in an amount
14 and manner determined by the court. In addition, the court or committee on parole
15 ~~board~~ may require the defendant to perform community service work in an amount
16 and according to a schedule determined by the court.

17 (2) One of the conditions of work release shall be a requirement that an
18 inmate pay from his earnings all restitution ordered by the court or the committee on
19 ~~parole board~~. Even if no restitution has been ordered, the sheriff or director of the
20 program shall have the right to require payment of restitution as a condition of work
21 release.

22 * * *

23 O. Notification of pardon or parole.

24 (1) The Board of Pardons or the ~~Board of Parole~~ committee on parole,
25 respectively, shall notify the victim or the victim's family and the appropriate district
26 attorney that a hearing has been set for the person convicted of the crime against the
27 victim. The victim or victim's family shall have the right to make written and oral
28 statements as to the impact of the crime at any hearing before ~~either the board or~~
29 committee and to rebut any statements or evidence introduced by the inmate or

1 defendant. The victim or the victim's family, a victim advocacy group, and the
2 district attorney or his representative may also appear before ~~either~~ the board or
3 committee in person or by means of telephone communication from the office of the
4 local district attorney.

5 (2) Beginning August 1, 2018, when an inmate in physical custody is within
6 three months of his earliest projected release date, a registered victim may contact
7 the Crime Victim Services Bureau to submit a reentry statement to the committee on
8 parole requesting that the inmate be subject to certain proximity or contact
9 restrictions, as part of the inmate's parole conditions, that the victim believes are
10 necessary for the victim's protection. The committee on parole may consider the
11 victim's reentry statement only for the purpose of determining the inmate's parole
12 conditions and not for the purpose of determining whether to order the release of the
13 inmate on parole.

14 * * *

15 R. Preparation of victim notice and registration forms.

16 (1) The Louisiana Commission on Law Enforcement and Administration of
17 Criminal Justice shall cause to be promulgated uniform victim notice and registration
18 forms which outline and explain the rights and services established by this Chapter.
19 This information shall be updated as necessary. The costs of developing the victim
20 notice and registration form shall be funded by the Louisiana Commission on Law
21 Enforcement and Administration of Criminal Justice.

22 (2) To the extent that funding is available for such purposes, the Louisiana
23 Commission on Law Enforcement and Administration of Criminal Justice shall
24 develop and provide, by August 1, 2018, a system by which the victim may choose
25 to complete and submit the uniform victim notice and registration form, and receive
26 all notices, electronically.

27 * * *

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 116 Original

2017 Regular Session

Dwight

Abstract: Provides relative to the development of a system that allows a victim to register and receive notices electronically, and authorizes a registered victim to submit a reentry statement recommending certain parole conditions.

Present law (R.S. 46:1844) provides for the following relative to basic rights and services for victims of criminal offenses:

- (1) The appropriate law enforcement agency shall distribute to the victim or to the family of a homicide victim a victim notice and registration form promulgated by the La. Commission on Law Enforcement and Administration of Criminal Justice. Present law requires the form to outline and explain the rights and services provided to victims in present law, and provides that the information in the form shall be updated as necessary.
- (2) The Crime Victims Services Bureau shall publicize and provide a way for victims and their family members to be kept informed about certain information including successful court appeals, parole or pardon hearings, dates of possible release from custody, and the Dept. of Public Safety and Corrections' policies and programs for inmates.
- (3) The clerk of court shall provide reasonable notice to a registered victim of judicial proceedings relating to their case.
- (4) The victim or a designated family member of the victim has the right to be present and heard at all critical stages of a criminal prosecution.
- (5) When an inmate in physical custody is within three months of his earliest projected release date, a registered victim may contact the Crime Victims Services Bureau of the Dept. of Public Safety and Corrections, corrections services, to request a current photograph of the inmate, and the department shall take all reasonable steps to provide a photograph to the registered victim at least ten days prior to the inmate's actual release.
- (6) The Board of Pardons and the committee on parole are required to notify the victim when a parole or pardon hearing has been set for the person convicted of the crime against the victim. The victim has a right to make a written and oral statement as to the impact of the crime at the hearing and to rebut any statements or evidence introduced by the inmate.

Proposed law, beginning Aug. 1, 2018, authorizes a registered victim, within three months of an inmate's earliest projected release date, to submit a reentry statement requesting that the inmate be subject to certain proximity or contact restrictions, as part of the inmate's parole conditions, that the victim believes are necessary for the victim's protection. Authorizes the committee on parole to consider the victim's reentry statement only for the purpose of determining the inmate's parole conditions.

Proposed law requires, to the extent that funding is available for such purposes, the La. Commission on Law Enforcement and Administration of Criminal Justice to develop and

provide, by Aug. 1, 2018, a system by which the victim may choose to complete and submit the uniform victim notice and registration form, and receive all notices, electronically.

(Amends R.S. 46:1844(A)(2)(b) and (d), (M)(1) and (2), (O), and (R); Adds R.S. 46:1844(A)(2)(e))