
DIGEST

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HB 116 Reengrossed

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, for those inmates who are to appear before the committee on parole to determine whether the person should be granted parole, to submit a reentry statement and to request 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. Provides that the victim's reentry statement is not binding on the committee on parole, but requires the committee on parole to consider the victim's reentry statement, along with other relevant information, 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 an agency may choose to complete and submit the uniform victim notice and registration form electronically and the victim may choose to 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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Provide that the victim's reentry statement and request that the inmate be subject to certain proximity or contact restriction does not apply to an inmate who is being released by diminution of sentence for good behavior or "good time".
2. Provide that the victim's reentry statement is not binding on the committee on parole, but shall be considered in concert with other relevant information when setting parole conditions.
3. Clarify that the system to be developed by the La. Commission on Law Enforcement and Administration of Criminal Justice will allow for an agency to electronically submit the uniform victim notice and registration form and allow the victim to receive all notices electronically.

The House Floor Amendments to the engrossed bill:

1. Clarify that the victim's reentry statement and request that the inmate be subject to certain proximity or contact restrictions applies only to those persons who are to appear at a hearing before the committee on parole to determine whether the person should be granted parole.