
DIGEST

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Leger

HB No. 33

Abstract: Creates the Witness Protection Services Board and provides for protection services for certain witnesses in criminal cases.

Proposed law creates the Witness Protection Services Act.

Proposed law (R.S. 15:1602) establishes legislative findings that the full and voluntary cooperation of witnesses is essential to an effective criminal justice system and that protecting witnesses is necessary in obtaining such cooperation.

Proposed law (R.S. 15:1603) defines "critical witness", "board", "immediate family", "prosecuting attorney", and "witness".

Proposed law (R.S. 15:1604) creates the Witness Protection Services Board within the office of the governor and provides for the powers and duties of the board. The board shall consist of seven members as provided in proposed law and may conduct meetings through telecommunication and teleconference. Further provides that the board shall be subject to open meetings laws except that it may meet in private session to consider or act on matters concerning the identity, location, or award of protection to critical witnesses or their immediate family. Further provides that the attorney general or his designee shall be the legal advisor to the board and shall represent the board in all legal proceedings.

Proposed law (R.S. 15:1605) provides for immunity for the board and its members in providing or failing to provide witness protection services.

Proposed law (R.S. 15:1606) provides for the following services for witnesses and immediate family members of witnesses:

- (1) Any necessary armed protection or escort, marked or unmarked surveillance, or periodic visits or contact by law enforcement officials prior, during, or subsequent to a criminal proceeding.
- (2) Physical relocation to an alternate shelter, housing, or residence.
- (3) Reasonable housing expenses.
- (4) Transportation or storage of personal possessions.

- (5) Basic living expenses.
- (6) Assistance in assumption of a new identity and relocation.
- (7) Petition for a protective order against any individual identified as a threat to a critical witness.

Proposed law (R.S. 15:1607) provides for the petition procedure for requesting witness protection services. Further provides that the identity of any individuals receiving protection services shall not be provided to the board and shall remain confidential.

Proposed law (R.S. 15:1608) provides for temporary witness protection services in exigent circumstances.

Proposed law (R.S. 15:1609) provides for a written memorandum of understanding regarding witness protection services and the agreements between the individuals receiving protection services and the state regarding those services.

Proposed law (R.S. 15:1610) provides for the refusal of witness protection services. Further provides for written documentation of such refusal. Further provides for written notification of termination of protection services by the prosecuting attorney.

Proposed law (R.S. 15:1611) provides for the relocation of witnesses or immediate family thereof to public schools.

Proposed law (R.S. 15:1612) provides that no right of action is created by proposed law.

Proposed law (R.S. 15:1613) provides for liaisons with the U.S. Marshal's Office and the U.S. Department of Justice.

Proposed law (R.S. 15:1614) provides for the confidentiality of records regarding witness protection services.

Proposed law shall be implemented to the extent that funds have been appropriated by the legislature or made available through grants or federal funds.

(Amends R.S. 44:4.1(B)(7); Adds R.S. 15:1601-1614 and R.S. 36:4(I); Repeals R.S. 15:262)

Summary of Amendments Adopted by House

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

1. Provides that proposed law is to be implemented upon funding through legislative appropriation or through grants or federal funds.

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill.

1. Narrows the open meetings exception, so that the board may meet in private session to consider and act on matters relating to the identity, location, or awarding of protection services to a critical witness or any immediate family thereof.
2. Reduces the size of the board from nine to seven total members. Removes the secretary of the Dept. of Public Safety and Corrections or his designee and a gubernatorial appointee.
3. Authorizes the board to conduct meetings through telecommunication and teleconference.
4. Appoints the attorney general as the legal advisor and legal representative of the board.
5. Restricts the access by the board to the names of critical witnesses and immediate family thereof.
6. Removes provisions for compensation of board members.