
DIGEST

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HB 309 Original

2017 Regular Session

Moreno

Abstract: Provides for additional rights for victims of sexual assaults including the right to a sexual assault advocate and the right to privacy, and provides for certain procedures governing these rights.

Present law provides for the rights of crime victims and their families, including but not limited to the right to advance notification of certain judicial proceedings, the right to counsel, the right to be interviewed in a private setting, the right to be present and heard at all critical stages of the proceedings, the right to seek restitution, and the right to the return of a victim's property. Provides that a victim is eligible to receive these rights only if the victim reports the crime to law enforcement within 72 hours of the occurrence or discovery of the crime, unless extenuating circumstances exist.

Proposed law retains present law except it provides that stolen or other personal property of the victim shall be returned when no longer needed as evidence by the judicial and law enforcement agencies at no cost to the victim or the victim's family. Also provides that the notification of parole and pardon hearings shall be made to any person who files a victim registration and notification form. Makes technical changes to refer to the committee on parole, as opposed to the obsolete name of the "board of parole".

Proposed law provides these additional rights for victims of sexual assaults and provides that these rights attach regardless of whether the assault is reported to law enforcement:

- (1) The right to be accompanied by a sexual assault advocate prior to the administration of a forensic medical examination or an interview by law enforcement or the district attorney. Further provides that communications between a victim and sexual assault advocate are confidential and privileged.
- (2) The right to be notified and the right to a contradictory hearing when a person requests the production and disclosure of certain records of the victim. Provides for the specific notification form to be used and requires the person requesting these records to do all of the following:
 - (a) Identify with particularity the records and location of the records being sought.
 - (b) Demonstrate that the records are relevant, material, and otherwise admissible.
 - (c) Demonstrate that the records are not otherwise reasonably obtainable prior to trial by

the exercise of due diligence.

- (d) Demonstrate that the party cannot properly prepare for trial without the records.
- (e) Demonstrate that the request is made in good faith and not intended to harass the victim.

Proposed law provides that a willful violation of the proposed law privacy rights shall be punishable as contempt of court.

Proposed law requires the La. Foundation Against Sexual Assault to develop a written form notifying victims of their rights. Requires law enforcement officials and healthcare providers to disseminate the written notification of rights to sexual assault victims. Requires the attorney general to publish this notice on the internet.

(Amends R.S. 46:1842, 1843, and 1844(A)(2)(b), (L), (M)(1) and (2), and (O); Adds R.S. 46:1845 and 1845.1)