

GREEN SHEET REDIGEST

HB 131

2019 Regular Session

Coussan

CRIMINAL/VICTIMS: Provides relative to interviewing crime victims and family members.

DIGEST

Present law, regarding rights of crime victims, provides the victim or the victim's family with the right to refuse any requests for interviews with individuals working on behalf of the defendant. Present law further provides that the victim can be subpoenaed, however the defendant must show good cause at a contradictory hearing with the district attorney as to why the subpoena should be issued.

Proposed law retains present law and requires any individual working on behalf of the defendant to clearly and unambiguously notify the victim or the victim's immediate family of their representation or work on behalf of the defendant and of the right to refuse the interview. Proposed law further provides that this notification must be submitted prior to requesting an interview with the victim or victim's family.

Proposed law further provides that this proposed law requirement does not apply when the victim or victim's immediate family member initiates communication with the attorney for the defendant or with any employee or agent working for the attorney for the defendant.

(Amends R.S. 46:1844(C)(3))

Summary of Amendments Adopted by House

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

1. Removes the requirement that the proposed law notification given to the victim or victim's family member be in writing.
2. Provides that the required notification of the attorney's representation of the defendant and the required advisement of the right of the victim or victim's family member to refuse an interview does not apply when the victim initiates the communication.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the engrossed bill

1. Changes "advise" the victim's family member of right to refuse interview to "notify" for purposes of proposed law.
2. Changes "victim's family" to "victim's immediate family" for purposes of proposed law.