

SENATE CONCURRENT RESOLUTION NO. 138

BY SENATORS CLAITOR, CORTEZ AND MILLS AND REPRESENTATIVE  
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A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations relative to interviewing victims and witnesses of a crime.

WHEREAS, Louisiana law provides relative to the basic rights of crime victims and witnesses, and provides relative to circumstances under which a crime victim may be interviewed; and

WHEREAS, present law provides that a crime victim and the victim's family may refuse any requests for interviews with the attorney for the defendant or any employee or agent of the attorney for the defendant; and

WHEREAS, before any crime victim may be subpoenaed to testify on behalf of a defendant at any pretrial hearing, the defendant must show good cause at a contradictory hearing with the district attorney why the subpoena should be issued; and

WHEREAS, willful disregard of these provisions relative to the rights of a crime victim and witness may be punishable by contempt of court; and

WHEREAS, concerns have been expressed in some quarters that these protections for crime victims and witnesses may not go far enough, and that additional provisions are needed that would require that any request for an interview with a crime victim or the victim's family be preceded by a clear and unambiguous notice that the person seeking the interview is the defendant's attorney or works for the defendant's attorney and that the victim or the victim's family member be notified of their right to refuse the interview, under penalty of contempt of court; and

WHEREAS, a study of the adequacy of present law relative to interviewing the victims and witnesses of crimes should be made, and a determination made as to whether present law adequately addresses the various concerns raised, or whether new laws should be proposed and enacted.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and make recommendations, if any, for the revision of the laws regarding interviewing victims and witnesses of a crime.

BE IT FURTHER RESOLVED that the study shall include a determination relative to the adequacy of present law, including the Louisiana Code of Evidence, the Code of Ethics, and any other law germane to the issue before the institute, as well as any changes or additions to proposed law that the institute deems appropriate.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute work in conjunction with the Louisiana District Attorneys Association, the Louisiana Public Defender Board, the Louisiana Association of Criminal Defense Lawyers, and the Louisiana District Judges Association, and any other agencies or associations deemed appropriate by the institute regarding this study.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute report its findings and recommendations to the Legislature of Louisiana on or before January 31, 2020.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES