

CONFERENCE COMMITTEE REPORT

HB 160

2023 Regular Session

Hilferty

June 8, 2023

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 160 by Representative Hilferty, recommend the following concerning the Reengrossed bill:

1. That Amendments No. 1 and No. 2 of the Senate Floor Amendments by Senator Smith (#2766) be rejected.
2. That Amendment No. 3 of the Senate Floor Amendments by Senator Smith (#2766) be adopted.
3. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "Articles" delete the remainder of the line and at the beginning of line 3, delete "and (F), 811.3, and 879(B)(2)," and insert "412(G), 811.1(A)(5) and (10)(introductory paragraph) and (F), and 811.3,"

AMENDMENT NO. 2

On page 1, line 9, after "Articles" delete the remainder of the line and at the beginning of line 10, delete "(F), 811.3, and 879(B)(2)," and insert "412(G), 811.1(A)(5) and (10)(introductory paragraph) and (F), and 811.3"

AMENDMENT NO. 3

On page 1, between lines 11 and 12, insert the following:

"Art. 412. Confidentiality of records; disclosure exceptions; sanctions

* * *

G.(1) In accordance with Articles 811.1 and 811.3, the district attorney or court ~~may~~ shall, upon request, release to the victim of a delinquent act constituting a crime of violence as defined in R.S. 14:2(B), or to the victim's legal representative or designated family member:

- ~~(1)~~ (a) The results of adjudication and disposition hearings.
- ~~(2)~~ (b) Notice of the taking into custody, release pursuant to Chapter 6 of Title VIII of this Code, release due to a rejection of charges by the district attorney, escape, or re-apprehension of the child accused of the crime of violence against the victim.
- ~~(3)~~ (c) Advance notice of court proceedings relating to the delinquent act.
- ~~(4)~~ (d) Certain information contained in the predisposition report to the court pursuant to Article 890, limited to those items described in Subparagraph (2) of that Article.
- (e) The name of the judge presiding over the adjudication and disposition hearings.
- (f) The offense which forms the basis for adjudication.
- (g) The name of the accused.

(2) In a juvenile delinquency case involving a crime of violence as defined in R.S. 14:2(B), the court shall, upon written request, release to the public the following:

(a) The nonidentifying results of adjudication and disposition hearings.

(b) The name of the judge presiding over the adjudication and disposition hearings.

(c) The offense which forms the basis for adjudication.

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AMENDMENT NO. 4

On page 3, delete lines 24 through 29 in their entirety and on page 4 delete lines 1 through 7 in their entirety

Respectfully submitted,

Representative Stephanie Hilferty

Senator Royce Duplessis

Representative Joseph A. Marino, III

Senator Cameron Henry

Representative John M. Stefanski

Senator Gary L. Smith Jr.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 160

2023 Regular Session

Hilferty

Keyword and oneliner of the instrument as it left the House

JUVENILES: Provides relative to rights of victims of alleged delinquent acts

Report adopts Senate amendments to:

1. Provide for an effective date of Jan. 1, 2024.

Report rejects Senate amendments which would have:

1. Prohibited the disclosure of any information, including identifying information, to the public regarding juvenile proceedings when certain offenses are charged.

Report amends the bill to:

1. Make technical changes.
2. Upon request, provide for the mandatory, rather than permissive, disclosure of the information provided in present law (Ch.C. Art. 412(G)) from the district attorney or court to the victim of a delinquent act constituting a crime of violence, the victim's legal representative, or a designated family member upon request of the victim.
3. Require the following additional information to be disclosed from the district attorney or court to the victim of a delinquent act constituting a crime of violence, the victim's legal representative, or a designated family member:
 - (a) The name of the judge presiding over the adjudication and disposition hearings.
 - (b) The offense which forms the basis for adjudication.
 - (c) The name of the accused.
4. Upon written request, require the following information to be disclosed from the court to the public in a juvenile delinquency case involving a crime of violence:
 - (a) The nonidentifying results of adjudication and disposition hearings.
 - (b) The name of the judge presiding over the adjudication and disposition hearings.
 - (c) The offense which forms the basis for adjudication.
5. Remove proposed law language from present law (Ch.C. Art. 879(B)(2)) relative to the public disclosure of information from certain juvenile proceedings.

Digest of the bill as proposed by the Conference Committee

Present law (Ch.C. Art. 412) provides for confidentiality of juvenile records and disclosure exceptions.

Proposed law retains present law.

Present law (Ch.C. Art. 412(G)) provides that the district attorney or court may, in accordance with present law (Ch.C. Art. 811.1 and 811.3), release to the victim of a delinquent act constituting a crime of violence as defined in present law (R.S. 14:2(B)), or to the victim's legal representative or designated family member the following:

- (1) The results of adjudication and disposition hearings.
- (2) Notice of the taking into custody, release pursuant to present law (Ch. 6 of Title VIII of this Code), release due to a rejection of charges by the district attorney, escape, or re-apprehension of the child accused of the crime of violence against the victim.
- (3) Advance notice of court proceedings relating to the delinquent act.
- (4) Certain information contained in the predisposition report to the court pursuant to present law (Ch.C. Art. 890(A)(2)).

Proposed law amends present law to make the release of this information from the district attorney or court to the victim, the victim's legal representative, or designated family member mandatory rather than permissive. Further provides that this disclosure shall occur at the request of the victim.

Proposed law further amends present law to provide for the mandatory release of the following information to the victim, the victim's legal representative, or designated family member:

- (1) The name of the judge presiding over the adjudication and disposition hearings.
- (2) The offense which forms the basis for adjudication.
- (3) The name of the accused.

Proposed law provides that in a juvenile delinquency case involving a crime of violence as defined in present law (R.S. 14:2(B)), the court shall release to the public the following:

- (1) The nonidentifying results of adjudication and disposition hearings.
- (2) The name of the judge presiding over the adjudication and disposition hearings.
- (3) The offense which forms the basis for adjudication.

Proposed law further provides that this disclosure to the public shall occur upon written request provided to the court.

Present law (Ch.C. Art. 811.1) provides for the rights and list of services available to the victim of an alleged delinquent act.

Proposed law retains present law.

Present law (Ch.C. Art. 811.1(A)(5)) provides that the court should provide, whenever possible, a secure waiting area during court proceedings that does not require victims and their legal representatives to be in close proximity to accused children and their families and friends. Provides that the juvenile court shall provide a secure waiting area in cases involving violent crime.

Proposed law amends present law to add that the victim or the designated member of the victim's family in a case involving homicide or injury to a minor has the right to be present at all court proceedings and, whenever practical, shall be allowed to observe the proceedings by simultaneous transmission through audiovisual equipment, if such technology is available in the courtroom.

Present law (Ch.C. Art. 811.1(A)(10)) provides for consultation between the prosecutor and the victim of a violent felony-grade offense as well as the designated member of the victim's family for the purpose of obtaining their view on both the disposition as well the use of available disposition alternatives for a case that involves homicide or injury to a minor.

Proposed law amends present law to remove the designation that the victim be a victim of a felony-grade offense and provides that the district attorney, whenever practical, shall consult either the victim or a designated member of the victim's family in a case that involves homicide or injury to a minor.

Present law (Ch.C. Art. 811.1(F)) provides that any information about the status of the case in juvenile court which is received by the victim or his legal representative shall remain subject to the confidentiality restrictions of present law (Ch.C. Art. 412) and shall not be further disclosed by him.

Proposed law changes present law to prohibit public officials, officers, and agencies from disclosing the name, address, or identity of a juvenile victim of crime who at the time of the commission of the offense is under 17 years of age. Further amends present law to raise the age threshold of the juvenile victim from 17 to 18 years of age.

Present law (Ch.C. Art. 811.3(1)) defines the term "juvenile crime victim" as a person, under the age of 17, against whom an offense against the person that is a felony has been committed.

Proposed law amends the present law definition of "juvenile crime victim" to change the age threshold to under the age of 18 and to change the type of offense from an offense against the person that is a felony to a delinquent act.

Present law (Ch.C. Art. 811.3(2)) defines the term "victim" as a person against whom an offense that is a felony-grade delinquent act has been committed.

Proposed law amends the present law definition of "victim" to remove the felony-grade designation.

Present law (Ch.C. Art. 811.3(3)) defines the term "victim's family" as a spouse, parent, child, stepchild, sibling, or legal representative of the victim, except when the person is in custody for an offense or is the defendant.

Proposed law amends the definition of "victim's family" to include the victim's grandparent, guardian, or legal custodian.

Present law (Ch.C. Art. 879) provides for both the presence and exclusion of witnesses at an adjudication hearing.

Proposed law retains present law.

Proposed law provides that proposed law does not authorize exclusion of any of the following witnesses:

- (1) A party who is a natural person.
- (2) A single officer or single employee of a party which is not a natural person designated as its representative or case agent by its attorney.

- (3) A person whose presence is shown by a party to be essential to the presentation of his cause such as an expert.
- (4) The victim of the offense or the family of the victim.

Proposed law provides that a court may impose appropriate sanctions for violations of its exclusion order including contempt, or when such sanctions are insufficient, disqualification of the witness.

Effective Jan. 1, 2024.

(Amends Ch.C. Arts. 412(G), 811.1(A)(5) and (10)(intro. para.) and (F), and 811.3; Adds Ch.C. Art. 879(D) and (E); Repeals Ch.C. Art. 811.1(G))