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## DIGEST

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HB 251 Reengrossed

2026 Regular Session

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**Abstract:** Requires a trial court to hold a hearing where the victim of a crime has a right to testify prior to the court vacating or reducing the offender's sentence.

Present law (R.S. 46:1844) provides for the basic rights for victims and witnesses.

Present law provides the right of the victim to be present and heard at all critical stages of trial.

Proposed law retains present law.

Proposed law prohibits a court from reducing or vacating a sentence without first holding a hearing where the victim has a right to be heard.

Proposed law requires the clerk of court to provide written notice to the victim of the pending motion to vacate or resentence.

Proposed law provides that any motion granted without compliance with proposed law is voidable as a patent error.

Proposed law allows the victim's family to testify if the victim is deceased or unable to appear due to disability.

Proposed law provides that proposed law does not create or permit individual standing to intervene in a criminal proceeding.

(Adds R.S. 46:1844(K)(4))

### Summary of Amendments Adopted by House

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

1. Provide that motions granted without compliance with proposed law are voidable as a patent error pursuant to present law (C.Cr.P. Art. 920(2)).
2. Provide that proposed law does not create or permit individual standing to intervene in a criminal proceeding.

The House Floor Amendments to the engrossed bill:

1. Remove the requirement that the hearing be contradictory.
2. Modify proposed law to require the clerk of court to provide written notice to the victim of the pending motion to vacate or resentence.
3. Provide for the prospective application of proposed law.
4. Make technical changes.