2019 Regular Session

HOUSE BILL NO. 131

BY REPRESENTATIVE COUSSAN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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

| 1 | AN ACT | | |
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| 2 | To amend and reenact R.S. 46:1844(C)(3), relative to the rights of crime victims; to provide | | |
| 3 | relative to interviews by defense counsel or employees or agents of defense counsel; | | |
| 4 | to require written notification; to provide relative to the victim's right to refuse an | | |
| 5 | interview; and to provide for related matters. | | |
| 6 | Be it enacted by the Legislature of Louisiana: | | |
| 7 | Section 1. R.S. $46:1844(C)(3)$ is hereby amended and reenacted to read as follows: | | |
| 8 | §1844. Basic rights for victim and witness | | |
| 9 | * * * | | |
| 10 | C. Interviewing the victim and witness of a crime. | | |
| 11 | * * * | | |
| 12 | (3) Prior to requesting any interview with a victim or victim's family | | |
| 13 | member, the attorney for the defendant or any employee or agent working for the | | |
| 14 | attorney for the defendant, shall clearly and unambiguously notify the victim or | | |
| 15 | victim's family member in writing of his representation or work on behalf of the | | |
| 16 | defendant, and shall advise the victim or the victim's family member of their right | | |
| 17 | to refuse the interview. The victim and the victim's family may refuse any requests | | |
| 18 | for interviews with the attorney for the defendant or any employee or agent working | | |
| 19 | for the attorney for the defendant. If the victim is a minor, the parent or guardian of | | |
| 20 | the victim may refuse to permit the minor to be interviewed by the attorney for the | | |

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

defendant or any employee or agent working for the attorney for the defendant.
Before any victim may be subpoenaed to testify on behalf of a defendant at any
pretrial hearing, the defendant shall show good cause at a contradictory hearing with
the district attorney why the subpoena should be issued. Willful disregard of the
rights of victims and witnesses as enumerated in this Paragraph may be punishable
as contempt of court.
* * * *

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)]

| HB 131 Original | 2019 Regular Session | Coussan |
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Abstract: Requires individuals working on behalf of the defendant to notify the victim or victim's family in writing prior to requesting an interview.

<u>Present law</u>, 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. Additionally, the victim can be subpoenaed, however the defendant shall show good cause at a contradictory hearing with the district attorney as to why the subpoena should be issued.

<u>Proposed law</u> retains <u>present law</u> and requires any individual working on behalf of the defendant to clearly and unambiguously notify the victim or the victim's family in writing of their representation or work on behalf of the defendant and of the right to refuse the interview. This notification must be submitted prior to requesting an interview with the victim or victim's family.

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