

2024 Regular Session

HOUSE BILL NO. 212

BY REPRESENTATIVE BEAULLIEU

CRIMINAL/VICTIMS: Provides relative to notification procedures in certain circumstances

1 AN ACT

2 To enact R.S. 46:1844(Y), relative to victim notification in certain circumstances; to require
3 the Louisiana Department of Health to provide notice to certain parties when a
4 person committed to their custody is transferred or released from custody; to require
5 the office of the district attorney to provide notice to certain parties; to provide with
6 respect to electronic notice when a defendant escapes or absconds; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 46:1844(Y) is hereby enacted to read as follows:

10 §1844. Basic rights for victim and witness

11 * * *

12 Y. Notification when the defendant is found not competent to stand trial or
13 not guilty by reason of insanity.

14 (1) When the defendant has been adjudicated as not competent to stand trial
15 or has been found not guilty by reason of insanity and has been committed to the
16 custody of the Louisiana Department of Health pursuant to Title XXI of the Code of
17 Criminal Procedure, the Louisiana Department of Health shall notify the appropriate
18 court of criminal jurisdiction and the district attorney if any of the following occur:

19 (a) The defendant is transferred to another facility.

1 (b) The defendant is placed on conditional release, including any material
2 changes that are made to the conditions of his release.

3 (c) The defendant is released from custody.

4 (2)(a) Upon filing of a victim notice and registration form by a victim, a
5 family member of a victim, or a witness, the district attorney's office shall notify by
6 mail or electronic communications the victim or the victim's family and all persons
7 who have filed a victim registration and notification form within thirty days of the
8 receipt of notification.

9 (b) Notice by electronic communication shall be allowed only in instances
10 where the registered person has opted in to such form of notification during the
11 registration process and is complete upon transmission.

12 (3)(a) In the event of an escape or absconding of a defendant, including a
13 juvenile defendant, from any facility under the jurisdiction of the Louisiana
14 Department of Health or from a private mental institution where the defendant has
15 been committed, the Louisiana Department of Health or the private mental institution
16 shall immediately notify all of the following of the escape by the most reasonable
17 and expedient means possible:

18 (i) The appropriate court of criminal jurisdiction.

19 (ii) The district attorney.

20 (iii) The victim, family member of the victim, or witness, if known to the
21 department, at the most current address or phone number on file with the department.

22 (b) If the defendant is recaptured, the Louisiana Department of Health or the
23 private mental institution shall send notice within forty-eight hours of regaining
24 custody of the defendant.

25 (4) In no case shall the state be held liable for damages for any failure to
26 provide notice pursuant to this Section.

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 212 Reengrossed

2024 Regular Session

Beaulieu

Abstract: Provides relative to notification procedures when the defendant has been found not guilty by reason of insanity and has been committed to the custody of the La. Dept. of Health.

Proposed law requires the La. Dept. of Health (LDH) to notify the district attorney and criminal court (regarding a defendant adjudicated not competent to stand trial or not guilty by reason of insanity and committed to LDH) when:

- (1) The defendant is transferred to another facility.
- (2) The defendant is released from custody or placed on conditional release.

Proposed law further requires the district attorney to notify the victim or victim's family if notification has been requested.

Proposed law requires the LDH to notify the district attorney, victim, and criminal court if the person escapes.

Proposed law requires the LDH to notify the same people within 48 hours if the defendant is recaptured.

(Adds R.S. 46:1844(Y))

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Remove proposed law relative to notification procedures for commutations or pardons granted by the governor.

The House Floor Amendments to the engrossed bill:

1. Clarify that the victim, family member of the victim, or witness shall immediately be notified of a defendant's escape from any facility under the jurisdiction of the LDH or from a private mental institution if the information of the victim, family member of the victim, or witness is known to the LDH.
2. Remove provisions of proposed law relative to notification and notice by electronic mail communications.