

ACT No. 370

HOUSE BILL NO. 479

BY REPRESENTATIVES MANDIE LANDRY, BACALA, BOYD, BOYER, BRASS, BRAUD, BRYANT, BUTLER, CARLSON, COATES, COX, DEWITT, DOMANGUE, EDMONSTON, EGAN, FREEMAN, FREIBERG, HILFERTY, HORTON, HUGHES, JORDAN, KERNER, KNOX, LAFLEUR, LARVADAIN, LYONS, MACK, MARCELLE, MELERINE, MOORE, NEWELL, OWEN, PHELPS, ROMERO, SPELL, STAGNI, TAYLOR, THOMPSON, VILLIO, WALTERS, WYBLE, AND ZERINGUE

1 AN ACT

2 To enact R.S. 15:715 and R.S. 46:1847 and 1848, relative to the creation of a comprehensive
3 victims' services system; to provide for a Crime Victims' Bill of Rights; to provide
4 for victim notification; to provide for definitions; to provide for legislative findings;
5 to provide certain rights to crime victims, witnesses, and family members; to provide
6 for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:715 is hereby enacted to read as follows:

9 §715. Reporting of escapes from parish prison facilities and jails

10 A. The sheriff, the highest ranking employee of the sheriff's office, or the
11 person acting on behalf of the sheriff who is physically present at and in charge of
12 the parish prison or jail at the time of an escape from that facility shall immediately
13 notify or take necessary steps to ensure that notification is provided to every law
14 enforcement agency and local media outlet after receiving notification that an inmate
15 has escaped from or left the premises of the facility without authority. Such notice
16 shall be provided by the most reasonable and expedient means available.

1 B.(1) The sheriff, his designee, or the highest ranking employee of the
2 sheriff's office shall immediately notify any known witnesses and the victim of the
3 crime for which the escaped inmate was imprisoned. Such notice shall be provided
4 by the most reasonable and expedient means available.

5 (2) If the inmate is recaptured, the sheriff, his designee, or the highest
6 ranking employee of the sheriff's office shall send notice to the persons and entities
7 designated in this Section as soon as possible but in no event not later than one
8 working day after the sheriff learns of such recapture.

9 C. As used in this Section, the following terms shall have the following
10 meanings:

11 (1) "Law enforcement agency" means the Department of Public Safety and
12 Corrections, office of public safety services and office of state police, and all police
13 departments in the parish.

14 (2) "Local media outlet" means a local news service, including but not
15 limited to a print, broadcast, or online platform.

16 Section 2. R.S. 46:1847 and 1848 are hereby enacted to read as follows:

17 §1847. Comprehensive victims' services system; legislative findings; intent; purpose

18 A. The legislature hereby recognizes that the State of Louisiana has created
19 numerous rights and duties to be afforded to crime victims, witnesses, and designated
20 family members. The legislature further recognizes the challenges of fulfilling those
21 rights and duties through numerous law enforcement and other state and local
22 entities.

23 B. Accordingly, the legislature hereby finds and declares that, in order to
24 ensure to the greatest extent possible that the rights and duties afforded to crime
25 victims and witnesses are upheld, the state of Louisiana is committed to the creation,
26 consolidation, and coordination of a comprehensive victims' services system. This
27 system shall provide the information and services described in the Crime Victims'
28 Bill of Rights and R.S. 46:1844 to crime victims and witnesses at all relevant points
29 throughout the life cycle of a case moving through the criminal justice system in a
30 timely, consistent, and easily understandable manner. This system shall be created

1 and administered by the Department of Public Safety and Corrections (the
2 department), which shall coordinate with and provide assistance to prosecutors and
3 law enforcement agencies utilizing the systems, processes, standards, and guidelines
4 implemented by the department. The department shall create this system in
5 conjunction with the Integrated Criminal Justice Information System Policy Board
6 (ICJIS) and all such component parts of this system shall be created in conformity
7 with the requirements set forth in R.S. 15:1228.10. The system shall be created and
8 in operation no later than July 1, 2026.

9 C. The legislature recognizes that the creation and implementation of a
10 comprehensive victims' services system requires the input, coordination, and
11 cooperation of relevant stakeholders responsible for providing services to crime
12 victims and witnesses and urges relevant stakeholders to work collaboratively to
13 create and implement this comprehensive victims' services system as expeditiously
14 as possible.

15 §1848. Crime Victims' Bill of Rights

16 A.(1) The legislature hereby finds and declares the urgent need to establish
17 a comprehensive Crime Victims' Bill of Rights. A bill of rights, written in plain
18 language and collected in one place, is vital for crime victims, witnesses, and
19 designated family members to be able to know and understand the rights and duties
20 to which the state of Louisiana affords to them and to ensure that they receive the
21 support, protection, and justice that they deserve.

22 (2) Subsection C of this Section shall be known and may be cited as the
23 "Crime Victims' Bill of Rights".

24 B.(1) Notwithstanding any other provision of law to the contrary, nothing in
25 this Section shall be construed to negate, impair, diminish, or limit any other rights
26 or duties afforded to crime victims, witnesses, and designated family members in any
27 other provision of law.

28 (2) Notwithstanding any other provision of law to the contrary, a defendant
29 or person accused or convicted of a crime for which a crime victim, witness, or
30 designated family member is afforded any rights or duties within this Section does

1 not have standing to seek to have their conviction or sentence set aside for any
2 violation of the Crime Victims' Bill of Rights.

3 C. A crime victim or designated family member, as defined in this Chapter,
4 shall have the following rights:

5 (1) The right to receive emergency, social, or medical services as soon as
6 possible and to receive a Victim Notice and Registration Form from law enforcement
7 as provided in R.S. 46:1844(A)(1).

8 (2) The right to be notified of the following: the defendant's arrest, release
9 on recognizance, posting of bond, release pending charges being filed or due to
10 rejection of charges by the prosecutor, escape, or re-apprehension as provided in R.S.
11 46:1844(A)(3) and (Z).

12 (3) The right to receive advance notification of, and to be present for, judicial
13 proceedings or probation hearings as provided in R.S. 46:1844(B).

14 (4) The right, subject to reasonable efforts by the prosecutor prior to trial, to
15 be interviewed by the prosecutor regarding the facts of the case and requests for
16 restitution as provided in R.S. 46:1844(C).

17 (5) The right for such interviews to be conducted in a private setting, with
18 access if requested to a victim advocate, social worker, or psychologist for support
19 as provided in R.S. 46:1844(C).

20 (6) The right to refuse requests for interviews with the defense attorney as
21 provided in R.S. 46:1844(C)(3).

22 (7) The right to retain the victim's or designated family member's own legal
23 counsel for discussions with the district attorney and judicial agencies as provided
24 in R.S. 46:1844(D)(1).

25 (8) The right to request, orally or in writing, a conference with the
26 prosecutor's office to discuss the disposition of the case by dismissal, plea, or trial,
27 the use of sentencing alternatives, and requests for payment of restitution to the
28 victim as provided in R.S. 46:1844(D)(2).

1 (9) The right to assistance in informing employers that the participation of
2 the victim and designated family member in the prosecution of the case may
3 necessitate absence from work as provided in R.S. 46:1844(E).

4 (10) The right to be notified of scheduling changes as provided in R.S.
5 46:1844(F).

6 (11) The right to a secure waiting area during court proceedings away from
7 the defendant or the family of the defendant as provided in R.S. 46:1844(G).

8 (12) The right to review and comment on pre-sentence or post-sentence
9 reports as provided in R.S. 46:1844(H).

10 (13) The right to protection by all rules and laws governing criminal
11 procedure and the admissibility of evidence applicable to criminal proceedings as
12 provided in R.S. 46:1844(I).

13 (14) The right to a speedy disposition and prompt and final conclusion of the
14 case after conviction and sentencing as provided in R.S. 46:1844(J).

15 (15) The right to be present and heard at all critical stages of the proceedings,
16 including the right to make a written or oral victim impact statement as provided in
17 R.S. 46:1844(K)(1).

18 (16) The right to request that the victim impact statement be sealed for
19 privacy concerns as provided in R.S. 46:1844(K)(2).

20 (17) The right to be provided with notice from the court of the minimum and
21 maximum sentence allowed by law and the opportunity to comment on the proposed
22 sentence as provided in R.S. 46:1844(K)(3).

23 (18) The right to have property of the victim returned as provided in R.S.
24 46:1844(L).

25 (19) The right to seek restitution or payment from the defendant to the victim
26 or the family of the victim, with no court filing fees as provided in R.S. 46:1844(M).

27 (20) For death penalty cases, the right to notification of execution details and
28 the right to be present as provided in R.S. 46:1844(N).

29 (21) For death penalty cases, the right to not be contacted by the offender or
30 supporters or representatives of the offender as provided in R.S. 46:1844(Y).

1 (22) The right to be notified of a parole hearing and to make written or oral
2 victim impact statements, including proposed contact and proximity restrictions that
3 may be included as parole conditions, for the protection of the victim as provided in
4 R.S. 46:1844(O).

5 (23) The right to confidentiality, and to prevent the release of the name,
6 address, contact information or identity of the victim, if the victim is a minor, victim
7 of a sex offense, or victim of a human trafficking offense as provided in R.S.
8 46:1844(W).

9 (24) For all victims of violent crime, the right to request and obtain a copy
10 of their initial police report at no cost to them as provided in R.S. 46:1844(X).

11 D. A witness or a designated family member, as defined in this Chapter,
12 shall have the following rights:

13 (1) The right to receive emergency, social, or medical services as soon as
14 possible and to receive a Victim Notice and Registration Form from law enforcement
15 as provided in R.S. 46:1844(A)(1).

16 (2) The right to be notified of the following: release, discharge of sentence,
17 escape, or reapprehension as provided in R.S. 46:1844(N)(2) and (3).

18 (3) The right to assistance in informing employers that the participation of
19 the witness or designated family member in the prosecution of the case may
20 necessitate absence from work as provided in R.S. 46:1844(E).

21 (4) The right to be notified of scheduling changes as provided in R.S.
22 46:1844(F).

23 (5) The right to a secure waiting area during court proceedings away from
24 the defendant or the family of the defendant as provided in R.S. 46:1844(G).

25 Section 2. The office of the governor shall prepare a printable version of the Crime
26 Victims' Bill of Rights as set forth above for public consumption.

27 Section 3. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____