

2018 Regular Session

HOUSE BILL NO. 307

BY REPRESENTATIVE THOMAS

CRIMINAL/VICTIMS: Provides for the rights of certain crime victims

1 AN ACT

2 To amend and reenact R.S. 46:1844(W)(1)(a) and (b) and (3), to enact R.S. 44:3(J) and R.S.
3 46:1844(W)(5), and to repeal R.S. 44:3(A)(4)(d), relative to privacy of crime
4 victims; to prohibit the disclosure of contact information; to provide relative to the
5 duties of certain public officials; to provide for definitions; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 44:3(J) is hereby enacted to read as follows:

9 §3. Records of prosecutive, investigative, and law enforcement agencies and
10 communications districts

11 * * *

12 J.(1) Nothing in this Section shall be construed to require the disclosure of
13 information which would reveal the name, address, contact information, or identity
14 of a victim of a sex offense or a human trafficking-related offense as those terms are
15 defined in R.S. 46:1844.

16 (2) Nothing in this Section shall be construed to require the disclosure of
17 information which would reveal the name, address, contact information, or identity
18 of a crime victim who at the time of the commission of the offense is a minor under
19 eighteen years of age.

1 (b) In order to protect the identity and provide for the safety and welfare of
 2 crime victims who are minors under the age of eighteen years and of victims of sex
 3 offenses or human trafficking-related offenses, notwithstanding any provision of law
 4 to the contrary, an attorney for any party shall be prohibited from publicly disclosing,
 5 except during trial, the name, address, contact information, or identity of crime
 6 victims who at the time of the commission of the offense are under eighteen years
 7 of age or are victims of sex offenses or human trafficking-related offenses, regardless
 8 of the date of commission of the offense. An attorney may lawfully utilize initials,
 9 abbreviations, or other forms of indefinite descriptions on documents used in the
 10 performance of their duties to prevent the public disclosure of the name, address,
 11 contact information, or identity of such crime victims. If the name, address, contact
 12 information, or identity of such a crime victim must be disclosed in a motion or
 13 pleading, that motion or pleading shall be filed with the court requesting that it be
 14 kept under seal. Failure to comply with the provisions of this Subparagraph shall be
 15 punishable as contempt of court.

16 * * *

17 (3) Notwithstanding any other provision of law to the contrary, all public
 18 officials, officers, and public agencies, including but not limited to all law
 19 enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court,
 20 the Crime Victims Reparations Board, and the Department of Children and Family
 21 Services or any division thereof, charged with the responsibility of knowing the
 22 name, address, contact information, and identity of crime victims who are minors or
 23 of crime victims of a sex offense or a human trafficking-related offense as a
 24 necessary part of their duties shall have full and complete access to this information
 25 regarding a crime victim who is a minor or a victim of a sex offense or a human
 26 trafficking-related offense. Either prior to or at the time of a request for information,
 27 the public official or officer or public agency shall take measures to prevent the
 28 public disclosure of the name, address, contact information, or identity of such a
 29 crime victim who is a minor or a victim of a sex offense or human trafficking-related

1 offense, which may include the use of initials, abbreviations, or any other form of
2 concealing the identity of the victim on all public documents.

3 * * *

4 (5)(a) In order to provide for the safety and welfare of victims of crimes
5 against family members, household members, or dating partners, notwithstanding
6 any provision of law to the contrary, all public officials and officers and public
7 agencies, including but not limited to all law enforcement agencies, sheriffs, district
8 attorneys, judicial officers, clerks of court, the Crime Victims Reparations Board,
9 and the Department of Children and Family Services or any division thereof, shall
10 not publicly disclose the address or contact information of victims of crimes against
11 family members, household members, or dating partners. The confidentiality of the
12 address and contact information of the victim of a crime against a family member,
13 household member, or dating partner may be waived by the victim.

14 (b) In order to provide for the safety and welfare of victims of crimes against
15 family members, household members, or dating partners, notwithstanding any
16 provision of law to the contrary, an attorney for any party shall be prohibited from
17 publicly disclosing, except during trial, the address and contact information of
18 victims of crimes against family members, household members, or dating partners.
19 If the address and contact information of such a crime victim must be disclosed in
20 a motion or pleading, that motion or pleading shall be filed with the court requesting
21 that it be kept under seal. Failure to comply with the provisions of this Subparagraph
22 shall be punishable as contempt of court.

23 (c) Notwithstanding any other provision of law to the contrary, all public
24 officials, officers, and public agencies, including but not limited to all law
25 enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court,
26 the Crime Victims Reparations Board, and the Department of Children and Family
27 Services or any division thereof, charged with the responsibility of knowing the
28 address and contact information of victims of crimes against family members,
29 household members, or dating partners as a necessary part of their duties shall have

1 full and complete access to this information regarding a victim of a crime against a
2 family member, household member, or dating partner. Either prior to or at the time
3 of a request for information, the public official or officer or public agency shall take
4 measures to prevent the public disclosure of the address and contact information of
5 a victim of a crime against a family member, household member, or dating partner.

6 (d) For the purposes of this Section, "family member" and "household
7 member" shall have the same definitions as in R.S. 46:2132 and "dating partner"
8 shall have the same definition as in R.S. 46:2151.

9 Section 3. R.S. 44:3(A)(4)(d) is hereby repealed in its entirety.

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 307 Original

2018 Regular Session

Thomas

Abstract: Prohibits the disclosure of contact information for victims of sex crimes, human trafficking crimes, juvenile victims, and victims of domestic violence-related crimes.

Present law allows for the protection of some records related to victims of sex crimes, human trafficking, and juvenile victims.

Proposed law prohibits the disclosure of contact information for victims of sex crimes, human trafficking, and for juvenile victims.

Present law provides for some protections for victims of domestic violence and abuse.

Proposed law prohibits the disclosure of identity and contact information for victims of domestic violence and abuse.

(Amends R.S. 46:1844(W)(1)(a) and (b) and (3); Adds R.S. 44:3(J) and R.S. 46:1844(W)(5); Repeals R.S. 44:3(A)(4)(d))