

# ACT No. 309

2018 Regular Session

HOUSE BILL NO. 307

BY REPRESENTATIVE THOMAS AND SENATOR BARROW

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 Chapter 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 Chapter 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.

20 (3) Nothing in this Chapter shall be construed to require the disclosure of  
21 information which would reveal the address or contact information of a victim of a  
22 crime against a family member, household member, or dating partner. "Family

1 member" and "household member" shall have the same definitions as in R.S.  
 2 46:2132 and "dating partner" shall have the same definition as in R.S. 46:2151.

3 Section 2. R.S. 46:1844(W)(1)(a) and (b) and (3) are hereby amended and reenacted  
 4 and R.S. 46:1844(W)(5) is hereby enacted to read as follows:

5 §1844. Basic rights for victim and witness

6 \* \* \*

7 W. Confidentiality of crime victims who are minors, victims of sex offenses,  
 8 and victims of human trafficking-related offenses.

9 (1)(a) In order to protect the identity and provide for the safety and welfare  
 10 of crime victims who are minors under the age of eighteen years and of victims of  
 11 sex offenses or human trafficking-related offenses, notwithstanding any provision  
 12 of law to the contrary, all public officials and officers and public agencies, including  
 13 but not limited to all law enforcement agencies, sheriffs, district attorneys, judicial  
 14 officers, clerks of court, the Crime Victims Reparations Board, and the Department  
 15 of Children and Family Services or any division thereof, shall not publicly disclose  
 16 the name, address, contact information, or identity of crime victims who at the time  
 17 of the commission of the offense are minors under eighteen years of age or of  
 18 victims of sex offenses or human trafficking-related offenses, regardless of the date  
 19 of commission of the offense. The confidentiality of the identity of the victim who  
 20 at the time of the commission of the offense is a minor under eighteen years of age  
 21 or the victim of a sex offense or human trafficking-related offense may be waived  
 22 by the victim. The public disclosure of the name of the juvenile crime victim by any  
 23 public official or officer or public agency is not prohibited by this Subsection when  
 24 the crime resulted in the death of the victim.

25 (b) In order to protect the identity and provide for the safety and welfare of  
 26 crime victims who are minors under the age of eighteen years and of victims of sex  
 27 offenses or human trafficking-related offenses, notwithstanding any provision of law  
 28 to the contrary, an attorney for any party shall be prohibited from publicly disclosing,

1           except during trial, the name, address, contact information, or identity of crime  
2           victims who at the time of the commission of the offense are under eighteen years  
3           of age or are victims of sex offenses or human trafficking-related offenses, regardless  
4           of the date of commission of the offense. An attorney may lawfully utilize initials,  
5           abbreviations, or other forms of indefinite descriptions on documents used in the  
6           performance of their duties to prevent the public disclosure of the name, address,  
7           contact information, or identity of such crime victims. If the name, address, contact  
8           information, or identity of such a crime victim must be disclosed in a motion or  
9           pleading, that motion or pleading shall be filed with the court requesting that it be  
10          kept under seal. Failure to comply with the provisions of this Subparagraph shall be  
11          punishable as contempt of court.

12                                   \*       \*       \*

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

28                                   \*       \*       \*

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

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

20           (c) Notwithstanding any other provision of law to the contrary, all public  
21           officials, officers, and public agencies, including but not limited to all law  
22           enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court,  
23           the Crime Victims Reparations Board, and the Department of Children and Family  
24           Services or any division thereof, charged with the responsibility of knowing the  
25           address and contact information of victims of crimes against family members,  
26           household members, or dating partners as a necessary part of their duties shall have  
27           full and complete access to this information regarding a victim of a crime against a  
28           family member, household member, or dating partner. Either prior to or at the time  
29           of a request for information, the public official or officer or public agency shall take

1 measures to prevent the public disclosure of the address and contact information of  
2 a victim of a crime against a family member, household member, or dating partner.

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_