

2022 Regular Session

SENATE BILL NO. 69

BY SENATOR CONNICK

CRIMINAL PROCEDURE. Provides relative to protections for crime victims. (8/1/22)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

AN ACT

To amend and reenact R.S. 46:1806(A)(1), 1842(3)(c), and (15)(c) and (d), 1843, and 1844(H), (K)(1)(a), and (T)(1) and (3), and to enact R.S. 46:1842(3)(d) through (h) and (15)(e) through (h), relative to crime victim protections; to provide relative to broadening rights for victims of crimes and designated family members; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1806(A)(1), 1842(3)(c), and (15)(c) and (d), 1843, and 1844(H), (K)(1)(a), and (T)(1) and (3) are hereby amended and reenacted and R.S. 46:1842(3)(d) through (h) and (15)(e) through (h) are hereby enacted to read as follows:

§1806. Application; requirements; confidentiality

A.(1) An application for reparations shall be filed in writing with the board within one year after the date of the personal injury, death, or catastrophic property loss or within such longer period as the board determines is justified by the circumstances. The application shall be valid **regardless of when the victim reported the crime to law enforcement authorities.** ~~only if the act resulting in the personal injury, death, or catastrophic property loss was reported to the appropriate~~

1 ~~law enforcement officers within seventy-two hours after the date of the personal~~  
2 ~~injury, death, or catastrophic property loss, or within such longer period as the board~~  
3 ~~determines is justified by the circumstances.~~

4 \* \* \*

5 §1842. Definitions

6 In this Chapter:

7 \* \* \*

8 (3) "Crime victim who is a minor" means a person under the age of eighteen  
9 against whom any of the following offenses have been committed:

10 \* \* \*

11 (c) The offenses of vehicular negligent injuring **(R.S. 14:39.1)** and first  
12 degree vehicular negligent injuring **(R.S. 14:39.2)**.

13 **(d) Any offense against the person as defined in R.S. 14:29 through R.S.**  
14 **14:63.3.**

15 **(e) Any offense committed against a family or household member as**  
16 **defined in R.S. 46:2132 or dating partner as defined in R.S. 46:2151.**

17 **(f) The offense of violation of protective orders (R.S. 14:79).**

18 **(g) The offenses of voyeurism (R.S. 14:283.1), Peeping Tom (R.S. 14:284),**  
19 **and unlawful communications (R.S. 14:285).**

20 **(h) Any other offense which is a felony committed against any natural**  
21 **person.**

22 \* \* \*

23 (15) "Victim" means a person against whom any of the following offenses  
24 have been committed:

25 \* \* \*

26 (c) The offenses of vehicular negligent injuring **(R.S. 14:39.1)** and first  
27 degree vehicular negligent injuring **(R.S. 14:39.2)**.

28 (d) Any offense against the person as defined in ~~the Criminal Code~~  
29 ~~committed against a family or household member as defined in R.S. 46:2132(4) or~~

1 ~~dating partner as defined in R.S. 46:2151(B)~~ **R.S. 14:29 through R.S. 14:63.3.**

2 **(e) Any offense committed against a family or household member as**  
3 **defined in R.S. 46:2132 or dating partner as defined in R.S. 46:2151.**

4 **(f) The offense of violation of protective orders (R.S. 14:79).**

5 **(g) The offenses of voyeurism (R.S. 14:283.1), Peeping Tom (R.S. 14:284),**  
6 **and unlawful communications (R.S. 14:285).**

7 **(h) Any other offense which is a felony committed against any natural**  
8 **person.**

9 \* \* \*

10 §1843. Eligibility of victims

11 ~~Except as provided in R.S. 46:1845, a A victim has the rights and is eligible~~  
12 ~~for the services under this Chapter **regardless of when the victim reported the**~~  
13 ~~**crime to law enforcement authorities.** only if the victim reported the crime to law~~  
14 ~~enforcement authorities within seventy-two hours of its occurrence or discovery,~~  
15 ~~unless extenuating circumstances exist for later reporting.~~

16 \* \* \*

17 §1844. Basic rights for victim and witness

18 \* \* \*

19 H. Presentence or postsentence reports. ~~If properly registered with the clerk~~  
20 ~~of court, the~~ **The** victim or designated family member shall have the right to review  
21 and comment on the presentence or postsentence reports relating to the crime against  
22 the victim. The trial court shall regulate when and how the presentence report is  
23 provided to the victim or designated family member. The Department of Public  
24 Safety and Corrections shall regulate how the postsentence report is provided to the  
25 victim or designated family member.

26 \* \* \*

27 K. Right of victim or designated family member to be present and heard at  
28 all critical stages of the proceedings.

29 (1)(a) At all critical stages of the prosecution, if the victim or designated

1 family member ~~has registered with the appropriate law enforcement or judicial~~  
2 ~~agency and~~ is present, the court shall determine if the victim or designated family  
3 member wishes to make a victim impact statement. If the victim is not present, the  
4 court shall ascertain whether the victim or designated family member has requested  
5 notification and, if so, whether proper notice has been issued to the victim or  
6 designated family member, in accordance with Subsection B of this Section, by the  
7 clerk of court or by the district attorney's office. If notice has been requested and  
8 proper notice has not been issued, the court shall continue the proceedings until  
9 proper notice is issued.

10 \* \* \*

11 T. Registration with the appropriate law enforcement or judicial agency.

12 (1) In order for a victim or designated family member to be eligible to receive  
13 notices hereunder ~~and exercise the rights provided in this Chapter~~, the victim or  
14 designated family member ~~must~~ **may** complete a form promulgated by the Louisiana  
15 Commission on Law Enforcement and Administration of Criminal Justice. The form  
16 shall be completed by the victim or designated family member and shall be filed with  
17 the law enforcement agency investigating the offense of which the person is a victim,  
18 as defined in this Chapter. The completed victim notice and registration form shall  
19 be included in the documents sent by the law enforcement agency to the district  
20 attorney for prosecution. The district attorney shall include the completed victim  
21 notice and registration form with any subsequent bill of information or indictment  
22 that is filed with the clerk of court. Upon conviction, the victim notice and  
23 registration form shall be included in the documents sent by the clerk of court to the  
24 Department of Public Safety and Corrections, the law enforcement agency having  
25 custody of the defendant, or the division of probation and parole.

26 \* \* \*

27 (3) The victim and designated family member shall have the right to register  
28 with the appropriate agency at any time and exercise prospectively the rights  
29 guaranteed by this Chapter. **However, a victim or designated family member who**

1 **does not register with the appropriate agency shall nevertheless be permitted**  
2 **to exercise the rights guaranteed by this Chapter insofar as possible.**

3 \* \* \*

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

---

SB 69 Original DIGEST 2022 Regular Session Connick

Present law provides rights for victims of crimes.

Proposed law retains present law and eases restrictions on eligibility and involvement in criminal justice processes. Proposed law removes requirement that a victim must report a crime within 72 hours in order to receive benefits available under present law, and expands eligibility to victims of additional crimes.

Proposed law removes requirement that the victim or designated family member must register with the La. Commission on Law Enforcement and Administration of Criminal Justice in order to receive services.

Effective August 1, 2022.

(Amends R.S. 46:1806(A)(1), 1842(3)(c) and (15)(c) and (d), 1843, and 1844(H), (K)(1)(a), and (T)(1) and (3); adds R.S. 46:1842(3)(d) - (h) and (15)(e) - (h))