

2022 Regular Session

HOUSE BILL NO. 265

BY REPRESENTATIVE VILLIO

CRIMINAL/VICTIMS: Provides relative to victim notification

1 AN ACT

2 To amend and reenact R.S. 15:574.2(D)(9) and R.S. 46:1844(N) and (O), relative to victim's
3 rights; to provide for additional means of notification; to provide for notice; to
4 provide for appearances before the Board of Pardons and the committee on parole;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:574.2(D)(9) is hereby amended and reenacted to read as follows:

8 §574.2. Committee on parole, Board of Pardons; membership; qualifications;
9 vacancies; compensation; domicile; venue; meetings; quorum; panels;
10 powers and duties; transfer of property to committee; representation of
11 applicants before the committee; prohibitions

12 * * *

13 D. In accordance with the provisions of this Part, the committee on parole
14 shall have the following powers and duties:

15 * * *

16 (9)(a) To notify the victim, or the spouse or next of kin of a deceased victim,
17 when the offender is scheduled for a parole hearing. The notification shall be in
18 writing and sent by mail or electronic mail communications no less than sixty days
19 prior to the hearing date. The notice shall advise the victim, or the spouse or next of
20 kin of a deceased victim, ~~of~~ how to obtain information about their rights with regard

1 to the hearing. The notice is not required when the victim, or the spouse or next of
2 kin of a deceased victim, advises the committee in writing that such notification is
3 not desired. The victim, or the spouse or next of kin of a deceased victim, shall be
4 allowed to testify at the hearing. The victim, or the spouse or next of kin of a
5 deceased victim, shall be allowed to testify directly, or in rebuttal to testimony or
6 evidence offered by or on behalf of the offender, or both.

7 ~~(b) To notify the victim, or the spouse or next of kin of a deceased victim of~~
8 ~~those offenders eligible for release pursuant to Paragraph (C)(4) of this Section. The~~
9 ~~notification shall meet all requirements set forth in Subparagraph (a) of this~~
10 ~~Paragraph except that it shall give notice of the offender's administrative parole~~
11 ~~eligibility date and be sent no less than ninety days prior to the offender's~~
12 ~~administrative parole eligibility date. If the offender's charge or amended charge on~~
13 ~~the bill of information was a crime of violence as defined in R.S. 14:2(B) or a sex~~
14 ~~offense as defined in R.S. 15:541, the victim, or the spouse or next of kin of a~~
15 ~~deceased victim, shall have thirty days from the date of notification to object to the~~
16 ~~offender's release on administrative parole and may request that the committee on~~
17 ~~parole conduct a hearing. Notice by electronic communications is allowed only in~~
18 ~~instances where the victim has opted-in to such form of notification during the~~
19 ~~registration process and is complete upon transmission, provided that the sender~~
20 ~~receives an electronic confirmation of delivery.~~

21 * * *

22 Section 2. R.S. 46:1844(N) and (O) are hereby amended and reenacted to read as
23 follows:

24 §1844. Basic rights for victim and witness

25 * * *

26 N.

27 * * *

28 (2)(a) Upon filing of a victim notice and registration form by a victim or a
29 family member, or a witness, it shall be the duty of the Department of Public Safety

1 and Corrections, corrections services, at the time of the appeal, discharge, or parole
2 of an inmate including a juvenile inmate, to notify ~~the victim, family member, or~~
3 ~~witness~~, all registered persons by ~~certified~~ mail or electronic mail communications
4 of such appeal or release. Such form shall be included in the prisoner's commitment
5 documents to be delivered to the warden of any state correctional facility where such
6 prisoner has been committed or transferred.

7 (b) Notice by electronic communications is allowed only in instances where
8 the victim has opted-in to such form of notification during the registration process
9 and is complete upon transmission, provided that the sender receives an electronic
10 confirmation of delivery.

11 (3)(a) In the event of an escape or absconding by an inmate including a
12 juvenile inmate, from any facility under the jurisdiction of the Department of Public
13 Safety and Corrections, corrections services, it shall be the duty of the department
14 to immediately notify the victim, family member of the victim, or witness, at the
15 most current address or phone number on file with the department; and via electronic
16 mail or communication, of the escape by the most reasonable and expedient means
17 possible. If the inmate is recaptured, the department shall send notice within forty-
18 eight hours of regaining custody of the inmate. In no case shall the state be held
19 liable for damages for any failure to provide notice pursuant to this Section.

20 (b) Notice by electronic mail communications is complete upon transmission,
21 provided that the sender receives an electronic confirmation of delivery.

22 * * *

23 O. Notification of pardon, ~~or parole~~, or probation hearing. (1) The Board
24 of Pardons or the committee on parole, respectively, shall notify the victim or the
25 victim's family and all persons who file a victim registration and notification form
26 and the appropriate district attorney that a hearing has been set for the person
27 convicted of the crime. The victim or victim's family shall have the right to make
28 written and oral statements as to the impact of the crime at any hearing before the
29 board or committee and to rebut any statements or evidence introduced by the inmate

1 or defendant. The victim or the victim's family, a victim advocacy group, and the
 2 district attorney or his representative may also appear before the board or committee
 3 in person or by means of teleconference or telephone communication ~~from the office~~
 4 ~~of the local district attorney.~~

5 * * *

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 265 Original

2022 Regular Session

Villio

Abstract: Provides relative to additional methods of victim notification.

Present law provides for the powers and duties of the committee on parole.

Present law provides that one of the powers and duties of the committee on parole is to notify the victim, or the spouse or next of kin of a deceased victim, when the offender is scheduled for a parole hearing.

Proposed law retains present law.

Present law provides that the notification shall be in writing and sent no less than 60 days prior to the hearing date and that the notice shall advise the victim, or the spouse or next of kin of a deceased victim, of their rights with regard to the hearing.

Proposed law amends present law and provides that the notification shall be in writing and sent by mail or electronic mail communications no less than 60 days prior to the hearing date. Provides that the notice shall advise the victim, or the spouse or next of kin of a deceased victim how to obtain information about their rights with regard to the hearing.

Present law provides that one of the powers and duties of the committee on parole is to notify the victim, or the spouse or next of kin of a deceased victim of those offenders eligible for release pursuant to present law. Provides that the notification shall meet all requirements set forth in present law except that it shall give notice of the offender's administrative parole eligibility date and be sent no less than 90 days prior to the offender's administrative parole eligibility date. Provides that if the offender's charge or amended charge on the bill of information was a crime of violence as defined in present law or a sex offense as defined in present law, the victim, or the spouse or next of kin of a deceased victim, shall have 30 days from the date of notification to object to the offender's release on administrative parole and may request that the committee on parole conduct a hearing.

Proposed law amends present law to provide that notice by electronic communications is allowed only in instances where the victim has opted-in to such form of notification during the registration process and is complete upon transmission, provided that the sender receives an electronic confirmation of delivery.

Present law provides for the duties of the Dept. of Public Safety and Corrections.

Present law provides that one of the powers and duties of the Dept. of Public Safety and Corrections, at the time of the appeal, discharge, or parole of an inmate including a juvenile

inmate, is to notify the victim, family member, or witness, by certified mail of such appeal or release upon filing of a victim notice and registration form by a victim or a family member, or a witness.

Proposed law amends present law to provide that one of the powers and duties of the Dept. of Public Safety and Corrections, at the time of the appeal, discharge, or parole of an inmate including a juvenile inmate, is to notify all registered persons by mail or electronic mail communications of such appeal or release.

Proposed law provides that notice by electronic communications is allowed only in instances where the victim has opted-in to such form of notification during the registration process and is complete upon transmission, provided that the sender receives an electronic confirmation of delivery.

Present law provides that in the event of an escape or absconding by an inmate including a juvenile inmate, from any facility under the jurisdiction of the Dept. of Public Safety and Corrections, corrections services, it shall be the duty of the department to immediately notify the victim, family member of the victim, or witness, at the most current address or phone number on file with the department, of the escape by the most reasonable and expedient means possible.

Proposed law amends present law to provide that the Dept. of Public Safety and Corrections shall have the duty to immediately notify the victim, family member of the victim, or witness, at the most current address or phone number on file with the department, and via electronic mail or communication, of the escape by the most reasonable and expedient means possible.

Proposed law provides that notice by electronic mail communications is complete upon transmission, provided that the sender receives an electronic confirmation of delivery.

Present law provides for notification of pardon or parole.

Proposed law amends present law to provide for notification of pardon, parole, or a probation hearing.

Present law provides that a victim or victim's family shall have the right to make written and oral statements as to the impact of the crime at any hearing before the Board of Pardons or committee on parole and to rebut any statements or evidence introduced by the inmate or defendant. Provides that the victim or the victim's family, a victim advocacy group, and the district attorney or his representative may also appear before the board or committee in person or by means of telephone communication from the office of the local district attorney.

Proposed law amends present law to provide that the victim or the victim's family, a victim advocacy group, and the district attorney or his representative may also appear before the board or committee in person or by means of teleconference or telephone communication.

(Amends R.S. 15:574.2(D)(9) and R.S. 46:1844(N) and (O))