
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))