

2022 Regular Session

SENATE BILL NO. 69

BY SENATOR CONNICK

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

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

11 §1806. Application; requirements; confidentiality

12 A.(1) An application for reparations shall be filed in writing with the board
13 within one year after the date of the personal injury, death, or catastrophic property
14 loss or within such longer period as the board determines is justified by the
15 circumstances. The application shall be valid **regardless of when the victim**
16 **reported the crime to law enforcement authorities.** ~~only if the act resulting in the~~
17 ~~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 §1844. Basic rights for victim and witness

17 * * *

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

25 * * *

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

28 (1)(a) At all critical stages of the prosecution, if the victim or designated
29 family member ~~has registered with the appropriate law enforcement or judicial~~

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

9 * * *

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

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

25 * * *

26 (3) The victim and designated family member shall have the right to register
27 with the appropriate agency at any time and exercise prospectively the rights
28 guaranteed by this Chapter. **However, a victim or designated family member who**
29 **does not register with the appropriate agency shall nevertheless be permitted**

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to exercise the rights guaranteed by this Chapter insofar as possible.

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The original instrument was prepared by Whitney Kauffeld. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tyler McCloud.

DIGEST

SB 69 Reengrossed

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))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

- 1. Makes technical changes.